

Calendar No. 122

110TH CONGRESS
2D SESSION

S. 3689

Making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17 (legislative day, SEPTEMBER 17), 2008

Mr. REID (for himself and Mr. BYRD) introduced the following bill; which was read the first time

NOVEMBER 18, 2008

Read the second time and placed on the calendar under authority of the order of the Senate of November 17 (legislative day, September 17), 2008

A BILL

Making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the

1 fiscal year ending September 30, 2009, and for other pur-
2 poses, namely:

3 TITLE I
4 INFRASTRUCTURE, ENERGY, AND ECONOMIC
5 RECOVERY
6 CHAPTER 1
7 DEPARTMENT OF AGRICULTURE
8 FARM SERVICE AGENCY
9 SALARIES AND EXPENSES

10 For an additional amount for “Farm Service Agency,
11 Salaries and Expenses”, for the purpose of maintaining
12 and modernizing the information technology system,
13 \$171,700,000, to remain available until expended.

14 RURAL HOUSING SERVICE

15 RURAL HOUSING INSURANCE PROGRAM ACCOUNT

16 For an additional amount for gross obligations for
17 the principal amount of direct and guaranteed loans as
18 authorized by title V of the Housing Act of 1949, to be
19 available from funds in the rural housing insurance fund,
20 as follows: \$171,000,000 for section 502 direct loans, and
21 \$3,000,000,000 for section 502 unsubsidized guaranteed
22 loans.

23 For an additional amount for the cost of direct and
24 guaranteed loans, including the cost of modifying loans,
25 as defined in section 502 of the Congressional Budget Act

1 of 1974, to remain available until expended, as follows:
2 \$11,500,000 for section 502 direct loans, and
3 \$38,100,000 for section 502 unsubsidized guaranteed
4 loans.

5 RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

6 For an additional amount for gross obligations for
7 the principal amount of direct and guaranteed loans and
8 grants as authorized by section 306 of the Consolidated
9 Farm and Rural Development Act, to be available from
10 the rural community facilities program account, as follows:
11 \$612,000,000 for rural community facilities direct loans;
12 \$130,000,000 for guaranteed rural community facilities
13 loans; and \$50,000,000 for rural community facilities
14 grants.

15 For an additional amount for the cost of direct loans,
16 guaranteed loans, and grants, including the cost of modi-
17 fying loans, as defined in section 502 of the Congressional
18 Budget Act of 1974, to remain available until expended,
19 as follows: \$35,000,000 for rural community facilities di-
20 rect loans; \$4,000,000 for rural community facilities guar-
21 anteed loans; and \$50,000,000 for rural community facili-
22 ties grants.

23 RURAL BUSINESS—COOPERATIVE SERVICE

24 RURAL BUSINESS PROGRAM ACCOUNT

25 For an additional amount for gross obligations for
26 the principal amount of guaranteed loans as authorized

1 by section 310B(a)(2)(A) of the Consolidated Farm and
 2 Rural Development Act, to be available from the rural
 3 business program account, as follows: \$1,000,000,000 for
 4 business and industry guaranteed loans.

5 For an additional amount for the cost of guaranteed
 6 loans, including the cost of modifying loans, as defined
 7 in section 502 of the Congressional Budget Act of 1974,
 8 to remain available until expended, as follows:
 9 \$43,500,000 for business and industry guaranteed loans.

10 RURAL BUSINESS ENTERPRISE GRANTS

11 For an additional amount for “Rural Business Enter-
 12 prise Grants”, \$40,000,000, to remain available until ex-
 13 pended.

14 RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

15 For an additional amount for gross obligations for
 16 the principal amount of direct loans as authorized by the
 17 Rural Development Loan Fund (42 U.S.C. 9812(a)),
 18 \$30,000,000.

19 For an additional amount for the cost of direct loans,
 20 including the cost of modifying loans, as defined in section
 21 502 of the Congressional Budget Act of 1974, to remain
 22 available until expended, \$12,600,000, for direct loans as
 23 authorized by the Rural Development Loan Fund (42
 24 U.S.C. 9812(a)).

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, and 310B and described in sections 306C(a)(2), 306D, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, \$200,000,000, to remain available until expended.

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR

WOMEN, INFANTS, AND CHILDREN

For an additional amount for the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$445,000,000.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For an additional amount for the Emergency Food Assistance Program, as authorized by Section 4201 of Public Law 110–246, \$50,000,000, of which the Secretary may use up to 10 percent for costs associated with the distribution of commodities.

COMMODITY ASSISTANCE PROGRAM

For an additional amount for the Commodity Supplemental Food Program, \$8,218,000, to support additional food purchases.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1101. (a) Hereafter, in this section, the term “nonambulatory disabled cattle” means cattle, other than cattle that are less than 5 months old or weigh less than 500 pounds, subject to inspection under section 3(b) of the Federal Meat Inspection Act (21 U.S.C. 603(b)) that cannot rise from a recumbent position or walk, including cattle with a broken appendage, severed tendon or ligation, nerve paralysis, fractured vertebral column, or a metabolic condition.

(b) Hereafter, none of the funds made available under this or any other Act may be used to pay the salaries or expenses of any personnel of the Food Safety and Inspection Service to pass through inspection any nonambulatory disabled cattle for use as human food, regardless of the reason for the nonambulatory status of the cattle or the time at which the cattle became nonambulatory.

(c) Hereafter, in addition to any penalties available under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Secretary shall impose penalties consistent with sections 10414 and 10415 of the Animal Health Pro-

1 tection Act (7 U.S.C. 8313, 8314) on any establishment
 2 that slaughters nonambulatory disabled cattle or prepares
 3 a carcass, part of a carcass, or meat or meat food product,
 4 from any nonambulatory disabled cattle, for use as human
 5 food.

6 SEC. 1102. FARM RELIEF. (a) SHORT TITLE.—This
 7 section may be cited as the “Farm Relief Act of 2008”.

8 (b) 2008 CROP DISASTER ASSISTANCE.—Section
 9 9001 of the U.S. Troop Readiness, Veterans’ Care,
 10 Katrina Recovery, and Iraq Accountability Appropriations
 11 Act, 2007 (Public Law 110–28; 121 Stat. 211) is amend-
 12 ed—

13 (1) in subsection (a)—

14 (A) by striking “There are hereby” and in-
 15 serting the following:

16 “(1) IN GENERAL.—There are hereby”; and

17 (B) by adding at the end the following:

18 “(2) 2008 CROP DISASTER ASSISTANCE.—

19 “(A) IN GENERAL.—There are hereby ap-
 20 propriated to the Secretary such sums as are
 21 necessary, to remain available until expended,
 22 to make emergency financial assistance under
 23 this section available to producers on a farm
 24 that incurred qualifying quantity or quality
 25 losses for the 2008 crop due a natural disaster

1 or any related condition, as determined by the
2 Secretary.

3 “(B) SUGAR AND SUGARCANE DISASTER
4 ASSISTANCE.—

5 “(i) FLORIDA.—There are hereby ap-
6 propriated to the Secretary such sums as
7 are necessary, to remain available until ex-
8 pended, to make payments to processors in
9 Florida that are eligible to obtain a loan
10 under section 156(a) of the Federal Agri-
11 culture Improvement and Reform Act of
12 1996 (7 U.S.C. 7272(a)) to compensate
13 first processors and producers for crop and
14 other losses due a natural disaster or any
15 related condition, as determined by the
16 Secretary, in Florida during calendar year
17 2008, by an agreement on the same terms
18 and conditions, to the maximum extent
19 practicable, as the payments made under
20 section 102 of the Emergency Supple-
21 mental Appropriations for Hurricane Dis-
22 asters Assistance Act of 2005 (Public Law
23 108–324; 118 Stat. 1235), including that
24 the 2008 base production of each har-
25 vesting unit shall be determined using the

1 same base year crop production history
2 that was used pursuant to the agreement
3 under that section.

4 “(ii) LOUISIANA.—

5 “(I) COMPENSATION FOR
6 LOSSES.—There are hereby appro-
7 priated to the Secretary such sums as
8 are necessary, to remain available
9 until expended, to make assistance
10 available to first processors of sugar-
11 cane that operate in a county affected
12 by a natural disaster, or obtain sugar-
13 cane from a county affected by a nat-
14 ural disaster, in Louisiana and that
15 are eligible to obtain a loan under sec-
16 tion 156(a) of the Federal Agriculture
17 Improvement and Reform Act of 1996
18 (7 U.S.C. 7272(a)), in the form of
19 monetary payments or commodities in
20 the inventory of the Commodity Cred-
21 it Corporation derived from carrying
22 out that section, to compensate pro-
23 ducers and first processors for crop
24 and other losses due to the natural

1 disaster or any related condition, as
2 determined by the Secretary.

3 “(II) ADMINISTRATION.—Assist-
4 ance under this clause shall be—

5 “(aa) shared by an affected
6 first processor with affected pro-
7 ducers that provide commodities
8 to the processor in a manner that
9 reflects contracts entered into be-
10 tween the processor and the pro-
11 ducers, except with respect to a
12 portion of the amount of total as-
13 sistance provided under subclause
14 (I) necessary to compensate af-
15 fected producers for individual
16 losses experienced by the pro-
17 ducers, including losses due to
18 saltwater intrusion, flooding,
19 wind damage, or increased plant-
20 ing, replanting, or harvesting
21 costs, which shall be transferred
22 by the first processor to the af-
23 fected producers without regard
24 to contractual share arrange-
25 ments; and

1 “(bb) made available under
2 such terms and conditions as the
3 Secretary determines are nec-
4 essary to carry out this clause.

5 “(III) FORM OF ASSISTANCE.—
6 In carrying out this clause, the Sec-
7 retary shall—

8 “(aa) convey to the first
9 processor commodities in the in-
10 ventory of the Commodity Credit
11 Corporation derived from car-
12 rying out section 156(a) of the
13 Federal Agriculture Improvement
14 and Reform Act of 1996 (7
15 U.S.C. 7272(a));

16 “(bb) make monetary pay-
17 ments to the first processor; or

18 “(cc) take any combination
19 of actions described in items (aa)
20 and (bb), using commodities or
21 monetary payments.

22 “(IV) LOSS DETERMINATION.—
23 In carrying out this clause, the Sec-
24 retary shall use the same base year to
25 determine crop loss that was elected

1 by a producer to determine crop loss
2 in carrying out the hurricane assist-
3 ance program under section 207 of
4 the Agricultural Assistance Act of
5 2003 (Public Law 108–7; 117 Stat.
6 543).

7 “(iii) TEXAS.—There are hereby ap-
8 propriated to the Secretary such sums as
9 are necessary, to remain available until ex-
10 pended, to assist sugarcane growers in
11 Texas by making a payment in that
12 amount to a farmer-owned cooperative sug-
13 arcane processor in that State, for costs of
14 demurrage, storage, and transportation re-
15 sulting from natural disaster or any re-
16 lated condition during calendar year 2008.

17 “(C) RELATION TO SUPPLEMENTAL AGRI-
18 CULTURAL DISASTER ASSISTANCE PROGRAM.—
19 A producer on a farm that accepts assistance
20 made available under this paragraph for a crop
21 loss is not eligible to receive supplemental agri-
22 cultural disaster assistance for that crop loss
23 under subtitle B of the Federal Crop Insurance
24 Act (7 U.S.C. 1531) or title IX of the Trade
25 Act of 1974 (19 U.S.C. 2497 et seq.).”; and

1 (2) in subsection (b), by striking “this section”
 2 each place it appears and inserting “subsection
 3 (a)(1)”.

4 (c) AQUACULTURE GRANTS.—

5 (1) IN GENERAL.—The Secretary of Agriculture
 6 shall make available grants under this subsection to
 7 appropriate State departments of agriculture (or
 8 other appropriate State agencies) that agree to as-
 9 sist producers of animals described in section
 10 10806(a)(1) of the Farm Security and Rural Invest-
 11 ment Act of 2002 (21 U.S.C. 321d(a)(1)) injured by
 12 increased costs for animal feed and that agree to
 13 comply with paragraph (2).

14 (2) ELIGIBILITY FOR GRANTS.—To be eligible
 15 to receive a grant under this subsection, the State
 16 department of agriculture (or other appropriate
 17 State agency) shall—

18 (A) agree to use the grants to distribute
 19 feed assistance through animal feed providers;
 20 and

21 (B) agree to require such animal feed pro-
 22 viders to make such feed assistance available on
 23 a pro rata basis to active producers described in
 24 paragraph (1) based on documented feed use by
 25 such producers in 2007.

1 (3) FEED ASSISTANCE.—The Secretary shall
 2 make such grants available to such State depart-
 3 ments of agriculture or other agencies allocated on
 4 a pro rata basis, based on total tons of feed for such
 5 animals consumed in such State in 2007.

6 (4) FUNDING.—There are hereby appropriated
 7 \$50,000,000 to carry out this subsection.

8 CHAPTER 2

9 DEPARTMENT OF COMMERCE

10 ECONOMIC DEVELOPMENT ADMINISTRATION

11 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

12 For an additional amount for “Economic Develop-
 13 ment Assistance Programs” for economic adjustment as-
 14 sistance as authorized by section 209 of the Public Works
 15 and Economic Development Act of 1965, as amended (42
 16 U.S.C. 3149), \$50,000,000, to remain available until ex-
 17 pended: *Provided*, That in allocating funds provided in the
 18 previous proviso, the Secretary of Commerce shall give pri-
 19 ority consideration to areas of the Nation that have experi-
 20 enced sudden and severe economic dislocation and job loss
 21 due to corporate restructuring.

1 DEPARTMENT OF JUSTICE

2 UNITED STATES MARSHALS SERVICE

3 SALARIES AND EXPENSES

4 For an additional amount for “Salaries and Ex-
5 penses”, \$50,000,000, for the United States Marshals
6 Service, to implement and enforce the Adam Walsh Child
7 Protection and Safety Act (Public Law 109–248) to ap-
8 prehend non-compliant sex offenders.

9 FEDERAL BUREAU OF INVESTIGATION

10 SALARIES AND EXPENSES

11 For an additional amount for “Salaries and Ex-
12 penses”, \$75,000,000.

13 OFFICE OF JUSTICE PROGRAMS

14 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

15 For an additional amount for “State and Local Law
16 Enforcement Assistance” Edward Byrne Memorial Justice
17 Assistance Grant program as authorized by subpart 1 of
18 part E of title I of the Omnibus Crime Control and Safe
19 Street Act of 1968 (“1968 Act”), (except that section
20 1001(c), and the special rules for Puerto Rico under sec-
21 tion 505(g), of the 1968 Act, shall not apply for purposes
22 of this Act), \$490,000,000.

23 For an additional amount for “State and Local Law
24 Enforcement Assistance”, \$100,000,000, for competitive
25 grants to provide assistance and equipment to local law

1 enforcement along the Southern border and in High-In-
 2 tensity Drug Trafficking Areas to combat criminal nar-
 3 cotic activity stemming from the Southern border, of
 4 which \$15,000,000 shall be transferred to the “Bureau
 5 of Alcohol, Tobacco, Firearms and Explosives”, “Salaries
 6 and Expenses” for the ATF Project Gunrunner.

7 COMMUNITY ORIENTED POLICING SERVICES

8 For additional amount for “Community Oriented Po-
 9 licing Services”, for grants under section 1701 of title I
 10 of the 1968 Omnibus Crime Control and Safe Streets Act
 11 (42 U.S.C. 379dd) for hiring and rehiring of additional
 12 career law enforcement officers under part Q of such title
 13 notwithstanding subsection (i) of such section,
 14 \$500,000,000.

15 SCIENCE

16 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

17 RETURN TO FLIGHT

18 For necessary expenses, not otherwise provided for,
 19 in carrying out return to flight activities associated with
 20 the space shuttle and activities from which funds were
 21 transferred to accommodate return to flight activities,
 22 \$400,000,000, with such sums as determined by the Ad-
 23 ministrator of the National Aeronautics and Space Admin-
 24 istration as available for transfer to “Science”, “Aero-
 25 nautics”, “Exploration”, and “Space Operations” for res-

1 toration of funds previously reallocated to meet return to
2 flight activities.

3 RELATED AGENCY

4 LEGAL SERVICES CORPORATION

5 PAYMENT TO THE LEGAL SERVICES CORPORATION

6 For an additional amount for “Payment to the Legal
7 Services Corporation”, \$37,500,000, to provide legal as-
8 sistance related to home ownership preservation, home
9 foreclosure prevention, and tenancy associated foreclosure:
10 *Provided*, That each limitation on expenditures, and each
11 term or condition, that applies to funds appropriated to
12 the Legal Services Corporation under the Consolidated
13 Appropriations Act of 2008 (Public Law 110–61), shall
14 apply to funds appropriated under this Act: *Provided fur-*
15 *ther*, That priority shall be given to entities and individuals
16 that (1) provide legal assistance in the 100 metropolitan
17 statistical areas (as defined by the Director of the Office
18 of Management and Budget) with the highest home fore-
19 closure rates; and (2) have the capacity to begin using
20 the funds within 90 days of receipt of the funds.

1 CHAPTER 3
2 DEPARTMENT OF DEFENSE—CIVIL
3 DEPARTMENT OF THE ARMY
4 CORPS OF ENGINEERS—CIVIL
5 CONSTRUCTION

6 For an additional amount for “Construction” for ex-
7 penses necessary for the construction of river and harbor,
8 flood and storm damage reduction, shore protection,
9 aquatic ecosystem restoration, and related projects au-
10 thorized by law, \$400,000,000, to remain available until
11 expended: *Provided*, That not less than \$100,000,000 of
12 the funds provided shall be for environmental infrastruc-
13 ture assistance: *Provided further*, That not less than
14 \$75,000,000 of the funds provided shall be for rehabilita-
15 tion of Corps of Engineers owned or operated hydropower
16 infrastructure: *Provided further*, That 33 U.S.C. 2221
17 shall not apply to funds provided in this Act: *Provided fur-*
18 *ther*, That notwithstanding any other provision of law,
19 funds provided in this Act shall not be cost shared with
20 the Inland Waterways Trust Fund as authorized in Public
21 Law 99–662: *Provided further*, That funds provided in this
22 Act may only be used for programs, projects or activities
23 previously funded: *Provided further*, That funds provided
24 in this Act shall be used for elements of projects, programs
25 or activities that can be completed within these funding

1 amounts and shall not create budgetary obligations in fu-
 2 ture fiscal years: *Provided further*, That the Secretary of
 3 the Army shall submit a report to the House and Senate
 4 Appropriations Committees within 45 days of enactment
 5 of this Act, specifying the projects, programs or activities
 6 that are to be funded with these supplemental funds: *Pro-*
 7 *vided further*, That these funds must be obligated no later
 8 than December 31, 2010.

9 OPERATIONS AND MAINTENANCE

10 For an additional amount for “Operation and Main-
 11 tenance” for expenses necessary for the operation, mainte-
 12 nance, and care of existing river and harbor, flood and
 13 storm damage reduction, aquatic ecosystem restoration,
 14 and related projects authorized by law, and for surveys
 15 and charting of northern and northwestern lakes and con-
 16 necting waters, clearing and straightening channels, and
 17 removal of obstructions to navigation, \$500,000,000, to
 18 remain available until expended, of which such sums as
 19 are necessary to cover the Federal share of operation and
 20 maintenance costs for coastal harbors and channels, and
 21 inland harbors shall be derived from the Harbor Mainte-
 22 nance Trust Fund, pursuant to Public Law 99–662; and
 23 of which such sums as become available under section 217
 24 of the Water Resources Development Act of 1996, Public
 25 Law 104–303, shall be used to cover the cost of operation
 26 and maintenance of the dredged material disposal facilities

1 for which fees have been collected: *Provided*, That not less
2 than \$150,000,000 of the funds provided shall be used
3 for dredging any authorized inland and coastal waterways
4 and ports to provide useful navigable widths and depths:
5 *Provided further*, That not less than \$25,000,000 of the
6 funds provided shall be used for rehabilitation of public
7 use areas at Corps of Engineers projects and facilities:
8 *Provided further*, That \$75,000,000 of the funds provided
9 shall be used for maintenance activities for Corps of Engi-
10 neers owned or operated hydropower infrastructure: *Pro-*
11 *vided further*, That funds provided in this Act may only
12 be used for programs, projects or activities previously
13 funded: *Provided further*, That funds provided in this Act
14 shall be used for elements of projects, programs or activi-
15 ties that can be completed within these funding amounts
16 and shall not create budgetary obligations in future fiscal
17 years: *Provided further*, That the Secretary of the Army
18 shall submit a report to the House and Senate Appropria-
19 tions Committees within 45 days of enactment of this Act,
20 specifying the projects, programs or activities that are to
21 be funded with these supplemental funds: *Provided fur-*
22 *ther*, That these funds must be obligated no later than
23 December 31, 2010.

24 MISSISSIPPI RIVER AND TRIBUTARIES

25 For an additional amount for “Mississippi River and
26 Tributaries” for expenses necessary for the flood damage

1 reduction program for the Mississippi River alluvial valley
2 below Cape Girardeau, Missouri, as authorized by law,
3 \$100,000,000, to remain available until expended, of
4 which such sums as are necessary to cover the Federal
5 share of operation and maintenance costs for inland har-
6 bors shall be derived from the Harbor Maintenance Trust
7 Fund, pursuant to Public Law 99–662: *Provided*, That
8 not less than \$75,000,000 of the funds provided shall be
9 utilized for flood control, ecosystem restoration, and back-
10 log maintenance of facilities along the tributaries of the
11 mainstem of the river eligible under this account: *Provided*
12 *further*, That funds provided in this Act may only be used
13 for programs, projects or activities previously funded in
14 Acts making appropriations for Energy and Water Devel-
15 opment: *Provided further*, That funds provided in this Act
16 shall be used for elements of projects, programs or activi-
17 ties that can be completed within these funding amounts
18 and shall not create budgetary obligations in future fiscal
19 years: *Provided further*, That the Secretary of the Army
20 shall submit a report to the House and Senate Appropria-
21 tions Committees within 45 days of enactment of this Act,
22 specifying the projects, programs or activities that are to
23 be funded with these supplemental funds: *Provided fur-*
24 *ther*, That these funds must be obligated no later than
25 December 31, 2010.

1 DEPARTMENT OF THE INTERIOR

2 BUREAU OF RECLAMATION

3 WATER AND RELATED RESOURCES

4 For an additional amount for “Water and Related
5 Resources” for management, development, and restoration
6 of water and related natural resources and for related ac-
7 tivities, including the operation, maintenance, and reha-
8 bilitation and modification of reclamation and other facili-
9 ties, including improvements or modification to provide en-
10 vironmental benefit, participation in fulfilling related Fed-
11 eral responsibilities to Native Americans, and related
12 grants to, and cooperative and other agreements with,
13 State and local governments, federally recognized Indian
14 tribes, and others, \$200,000,000, to remain available until
15 expended: *Provided*, That not less than \$50,000,000 of the
16 funds provided under this heading shall be used for rural
17 water projects and these funds should be concentrated on
18 water intake and treatment facilities: *Provided further*,
19 That not less than \$5,000,000 of the funds provided under
20 this heading shall be used for a bureauwide program for
21 inspection of canals in urbanized areas: *Provided further*,
22 That not less than \$45,000,000 of the funds provided
23 under this heading shall be used for water reclamation and
24 reuse projects: *Provided further*, That not less than
25 \$15,000,000 of the funds provided under this heading

1 shall be for maintenance and rehabilitation of Bureau of
 2 Reclamation owned or operated hydropower infrastruc-
 3 ture: *Provided further*, That funds provided in this Act
 4 may only be used for programs, projects or activities pre-
 5 viously funded: *Provided further*, That funds provided in
 6 this Act shall be used for elements of projects, programs
 7 or activities that can be completed within these funding
 8 amounts and shall not create budgetary obligations in fu-
 9 ture fiscal years: *Provided further*, That the Secretary of
 10 the Interior shall submit a report to the House and Senate
 11 Appropriations Committees within 45 days of enactment
 12 of this Act, specifying the projects, programs or activities
 13 that are to be funded with these supplemental funds: *Pro-*
 14 *vided further*, That these funds must be obligated no later
 15 than December 31, 2010.

16 DEPARTMENT OF ENERGY

17 ENERGY EFFICIENCY AND RENEWABLE ENERGY

18 For an additional amount for “Energy Efficiency and
 19 Renewable Energy”, \$1,800,000,000, to remain available
 20 until expended: *Provided*, That of the funds appropriated,
 21 \$500,000,000 is directed to the Weatherization Assistance
 22 Program: *Provided further*, That of the funds appro-
 23 priated, not less than \$300,000,000 is directed to advance
 24 battery technology research, development, and demonstra-
 25 tion: *Provided further*, That of the funds appropriated,

1 \$500,000,000 is directed to competitively awarded local
 2 government and tribal technology demonstration grants.

3 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

4 For an additional amount for “Electricity Delivery
 5 and Energy Reliability”, \$140,000,000, to remain avail-
 6 able until expended: *Provided*, That funds shall be avail-
 7 able for expenses related to smart grid technologies, crit-
 8 ical energy facility process operation systems, and cyber
 9 security of control systems.

10 NON-DEFENSE ENVIRONMENTAL CLEANUP

11 For an additional amount for “Non-Defense Environ-
 12 mental Cleanup”, \$150,000,000, to remain available until
 13 expended.

14 URANIUM ENRICHMENT DECONTAMINATION AND 15 DECOMMISSIONING FUND

16 For an additional amount for “Uranium Enrichment
 17 Decontamination and Decommissioning Fund”,
 18 \$170,000,000, to remain available until expended.

19 SCIENCE

20 For an additional amount for “Science”,
 21 \$175,000,000, to remain available until expended.

22 ADVANCED BATTERY LOAN GUARANTEE PROGRAM

23 For the cost of guaranteed loans as authorized by
 24 section 135 of the Energy Independence and Security Act
 25 of 2007 (Public Law 110–140; 42 U.S.C. 17012),

1 \$1,000,000,000, to remain available until expended: *Pro-*
 2 *vided*, That of such amount, \$5,000,000 shall be used for
 3 administrative expenses in carrying out the guaranteed
 4 loan program.

5 ATOMIC ENERGY DEFENSE ACTIVITIES

6 NATIONAL NUCLEAR SECURITY ADMINISTRATION

7 WEAPONS ACTIVITIES

8 For an additional amount for “Weapons Activities”,
 9 \$100,000,000, to remain available until expended.

10 ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

11 DEFENSE ENVIRONMENTAL CLEANUP

12 For an additional amount for “Defense Environ-
 13 mental Cleanup”, \$800,000,000, to remain available until
 14 expended.

15 GENERAL PROVISIONS—THIS CHAPTER

16 SEC. 1301. FUTUREGEN. (a) Subject to subsection
 17 (b), the Secretary of Energy shall reinstate and con-
 18 tinue—

19 (1) the cooperative agreement numbered DE-
 20 FC-26-06NT42073 (as in effect on May 15, 2008);
 21 and

22 (2) Budget Period 1, under such agreement,
 23 through July 31, 2009.

24 (b) During the period beginning on the date of enact-
 25 ment of this Act and ending March 31, 2009—

(2) Funds may be expended under the agreement only to complete and provide information and documentation to the Department of Energy.

7 SEC. 1302. Section 1222(g) of the Energy Policy Act
8 of 2005 (Public Law 109–58; 42 U.S.C. 16421) is amend-
9 ed by striking “\$100,000,000” and inserting
10 “\$2,500,000,000”.

DEPARTMENT OF THE TREASURY

SALARIES AND EXPENSES

15 For an additional amount for “Salaries and Ex-
16 penses”, \$10,550,000, to carry out the provisions of the
17 Inspector General Act of 1978, including material loss re-
18 views in conjunction with bank failures.

SALARIES AND EXPENSES

21 For an additional amount to carry out the provisions
22 of the Commodity Exchange Act (7 U.S.C. 1 et seq.),
23 \$13,100,000, of which \$8,000,000 shall remain available
24 until September 30, 2010.

1 GENERAL SERVICES ADMINISTRATION

2 REAL PROPERTY ACTIVITIES

3 FEDERAL BUILDINGS FUND

4 (LIMITATION ON AVAILABILITY)

5 For an additional amount to be deposited in the Fed-
6 eral Buildings Fund, \$547,639,000, to be used by the Ad-
7 ministrator of General Services for GSA real property ac-
8 tivities; of which \$201,000,000 shall be used for construc-
9 tion, repair and alteration of border inspection facility
10 projects for any previously funded or authorized pro-
11 spectus level project, for which additional funding is re-
12 quired, to expire on September 30, 2009 and remain in
13 the Federal Buildings Fund except for funds for projects
14 as to which funds for design or other funds have been obli-
15 gated in whole or in part prior to such date; and of which
16 \$346,639,000 shall be used for the development and con-
17 struction of the St. Elizabeths campus in the District of
18 Columbia, to remain available until expended and remain
19 in the Federal Buildings Fund except for funds for
20 projects as to which funds for design or other funds have
21 been obligated in whole or in part prior to such date: *Pro-*
22 *vided*, That each of the foregoing limits of costs on new
23 construction projects may be exceeded to the extent that
24 savings are effected in other such projects, but not to ex-
25 ceed 10 percent of the amounts provided unless advance

1 approval is obtained from the Committees on Appropria-
 2 tions of a greater amount.

3 SMALL BUSINESS ADMINISTRATION

4 SALARIES AND EXPENSES

5 For an additional amount to be available until Sep-
 6 tember 30, 2010, \$4,000,000 for marketing, management,
 7 and technical assistance under section 7(m)(4) of the
 8 Small Business Act (15 U.S.C. 636(m)(4)) by inter-
 9 mediaries that make microloans under the Microloan pro-
 10 gram.

11 For an additional amount to be available until Sep-
 12 tember 30, 2010, \$15,000,000 for lender oversight activi-
 13 ties as authorized under section 1401(c) of this Act.

14 BUSINESS LOANS PROGRAM ACCOUNT

15 For an additional amount for the cost of direct loans,
 16 \$1,000,000, to remain available until September 30, 2010;
 17 and for an additional amount for the cost of guaranteed
 18 loans, \$615,000,000, to remain available until September
 19 30, 2010: *Provided*, That of the amount for the cost of
 20 guaranteed loans, \$515,000,000 shall be for loan subsidies
 21 and loan modifications for loans to small business con-
 22 cerns authorized under section 1401(a) of this Act; and
 23 \$100,000,000 shall be for loan subsidies and loan modi-
 24 fications for loans to small business concerns authorized
 25 under section 1401(b) of this Act: *Provided further*, That

1 such costs, including the cost of modifying such loans,
 2 shall be as defined in section 502 of the Congressional
 3 Budget Act of 1974.

4 ADMINISTRATIVE PROVISIONS—SMALL BUSINESS

5 ADMINISTRATION

6 SEC. 1401. ECONOMIC STIMULUS FOR SMALL BUSI-
 7 NESS CONCERNS. (a) TEMPORARY FEE ELIMINATION FOR
 8 THE 7(A) LOAN PROGRAM.—Until September 30, 2010,
 9 and to the extent the cost of such elimination of fees is
 10 offset by appropriations, with respect to each loan guaran-
 11 teed under section 7(a) of Small Business Act (15 U.S.C.
 12 636(a)) for which the application is approved on or after
 13 the date of enactment of this Act, the Administrator
 14 shall—

15 (1) in lieu of the fee otherwise applicable under
 16 section 7(a)(23)(A) of the Small Business Act (15
 17 U.S.C. 636(a)(23)(A)), collect no fee; and

18 (2) in lieu of the fee otherwise applicable under
 19 section 7(a)(18)(A) of the Small Business Act (15
 20 U.S.C. 636(a)(18)(A)), collect no fee.

21 (b) TEMPORARY FEE ELIMINATION FOR THE 504
 22 LOAN PROGRAM.—

23 (1) IN GENERAL.—Until September 30, 2010,
 24 and to the extent the cost of such elimination in fees
 25 is offset by appropriations, with respect to each

1 project or loan guaranteed by the Administrator
 2 under title V of the Small Business Investment Act
 3 of 1958 (15 U.S.C. 695 et seq.) for which the appli-
 4 cation is approved or pending approval on or after
 5 the date of enactment of this Act—

6 (A) the Administrator shall, in lieu of the
 7 fee otherwise applicable under section 503(d)(2)
 8 of the Small Business Investment Act of 1958
 9 (15 U.S.C. 697(d)(2)) for an institution de-
 10 scribed in subclause (I), (II), or (III) of section
 11 502(3)(B)(i) of that Act (15 U.S.C.
 12 696(3)(B)(i)), collect no fee;

13 (B) a development company shall, in lieu
 14 of the mandatory 0.625 servicing fee under sec-
 15 tion 120.971(a)(3) of title 13, Code of Federal
 16 Regulations (relating to fees paid by bor-
 17 rowers), or any successor thereto, collect no fee;
 18 and

19 (C) the Administrator shall, in lieu of the
 20 fee otherwise applicable under section 503(d)(3)
 21 of the Small Business Investment Act (15
 22 U.S.C. 697(d)(3)), collect no fee.

23 (2) REIMBURSEMENT FOR WAIVED FEES.—

24 (A) IN GENERAL.—To the extent the cost
 25 of such payments is offset by appropriations,

1 the Administrator shall reimburse each develop-
 2 ment company that does not collect a servicing
 3 fee pursuant to paragraph (1)(B).

4 (B) AMOUNT.—The payment to a develop-
 5 ment company under subparagraph (A) shall be
 6 in an amount equal to 0.5 percent of the out-
 7 standing principal balance of any guaranteed
 8 debenture for which the development company
 9 does not collect a servicing fee pursuant to
 10 paragraph (1)(B).

11 (c) TEMPORARY FEE ELIMINATION OF LENDER
 12 OVERSIGHT FEES.—Until September 30, 2010, and to the
 13 extent the cost of such elimination in fees is offset by ap-
 14 propriations, the Administrator shall, in lieu of the fee
 15 otherwise applicable under section 5(b)(14) of the Small
 16 Business Act (15 U.S.C. 634(b)(14)), collect no fee.

17 (d) TECHNICAL CORRECTION.—Section 7(a) of the
 18 Small Business Act (15 U.S.C. 636(a)) is amended by re-
 19 designating paragraph (32) relating to an increased vet-
 20 eran participation pilot program, as added by section 208
 21 of the Military Reservist and Veteran Small Business Re-
 22 authorization and Opportunity Act of 2008 (Public Law
 23 110–186; 122 Stat. 631), as paragraph (33).

24 (e) APPLICATION OF FEE ELIMINATIONS.—The Ad-
 25 ministrator shall eliminate fees under subsections (a), (b),

1 and (c) until the amount provided for such purposes, as
2 applicable, under the headings “Salaries and Expenses”
3 and “Business Loans Program Account” under the head-
4 ing “Small Business Administration” under this Act are
5 expended.

6 (f) DEFINITIONS.—In this section—

7 (1) the terms “Administration” and “Adminis-
8 trator” mean the Small Business Administration
9 and the Administrator thereof, respectively; and

10 (2) the term “small business concern” has the
11 same meaning as in section 3 of the Small Business
12 Act (15 U.S.C. 632).

13 SEC. 1402. None of the funds made available under
14 this Act or any other appropriations Act for any fiscal year
15 may be used by the Small Business Administration to im-
16 plement the rule relating to women-owned small business
17 Federal contract assistance procedures published in the
18 Federal Register on October 1, 2008 (73 Fed. Reg. 56940
19 et seq.).

1 CHAPTER 5
2 DEPARTMENT OF HOMELAND SECURITY
3 U.S. CUSTOMS AND BORDER PROTECTION
4 BORDER SECURITY, FENCING, INFRASTRUCTURE, AND
5 TECHNOLOGY

6 For an additional amount for “Border Security,
7 Fencing, Infrastructure, and Technology”, \$303,000,000,
8 to remain available until expended; of which not less than
9 \$215,000,000 shall be for development and deployment of
10 border security technology on the Southwest border; and
11 of which not less than \$88,000,000 shall be for procure-
12 ment and deployment of tactical communications equip-
13 ment and land mobile radios for the U.S. Border Patrol.

14 CONSTRUCTION

15 For an additional amount for “Construction”,
16 \$100,000,000, to remain available until expended, to re-
17 pair and construct inspection facilities at land border
18 ports of entry.

19 TRANSPORTATION SECURITY ADMINISTRATION

20 AVIATION SECURITY

21 For an additional amount for “Aviation Security”,
22 \$500,000,000, to remain available until expended; of
23 which \$300,000,000 shall be for procurement and installa-
24 tion of checked baggage explosives detection systems; and
25 of which \$200,000,000 shall be for checkpoint explosives
26 detection equipment: *Provided*, That no later than 90 days

1 after the date of enactment of this Act, the Secretary of
 2 Homeland Security shall provide the Committees on Ap-
 3 propriations of the Senate and the House of Representa-
 4 tives a plan for the expenditure of these funds.

5 COAST GUARD

6 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

7 For an additional amount for “Acquisition, Construc-
 8 tion, and Improvements”, \$1,220,000,000, to remain
 9 available until expended; of which \$925,000,000 shall be
 10 for the acquisition of a new polar icebreaker or for nec-
 11 essary expenses related to the service life extension of ex-
 12 isting Coast Guard polar icebreakers; of which
 13 \$150,000,000 shall be for the National Security Cutter
 14 program; and of which \$145,000,000 shall be for shore
 15 facilities and aids to navigation facilities: *Provided*, That
 16 no later than 90 days after the date of enactment of this
 17 Act, the Secretary of Homeland Security shall provide the
 18 Committees on Appropriations of the Senate and the
 19 House of Representatives a plan for the expenditure of
 20 these funds.

21 ALTERATION OF BRIDGES

22 For an additional amount for alteration or removal
 23 of obstructive bridges, as authorized by section 6 of the
 24 Truman-Hobbs Act (33 U.S.C. 516), \$90,000,000, to re-
 25 main available until expended: *Provided*, That no later
 26 than 90 days after the date of enactment of this Act, the

1 Secretary of Homeland Security shall provide the Commit-
 2 tees on Appropriations of the Senate and the House of
 3 Representatives an expenditure plan detailing how the
 4 Coast Guard will allocate the additional funds appro-
 5 priated under this heading for bridges ready to proceed
 6 to construction.

7 FEDERAL EMERGENCY MANAGEMENT AGENCY

8 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

9 Notwithstanding section 417(b) of the Robert T.
 10 Stafford Disaster Relief and Emergency Assistance Act,
 11 the amount of any such loan issued pursuant to this sec-
 12 tion for major disasters occurring in calendar year 2008
 13 may exceed \$5,000,000, and may be equal to not more
 14 than 50 percent of the annual operating budget of the
 15 local government in any case in which that local govern-
 16 ment has suffered a loss of 25 percent or more in tax reve-
 17 nues.

18 FEDERAL LAW ENFORCEMENT TRAINING CENTER

19 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND

20 RELATED EXPENSES

21 For an additional amount for “Acquisition, Construc-
 22 tion, Improvements, and Related Expenses”, \$9,000,000,
 23 to remain available until expended, for security upgrades
 24 to the Federal Law Enforcement Training Center’s bor-
 25 der-related training facilities.

1 CHAPTER 6
2 DEPARTMENT OF THE INTERIOR
3 BUREAU OF LAND MANAGEMENT
4 CONSTRUCTION

5 For an additional amount for “Construction”,
6 \$147,000,000, to remain available until September 30,
7 2010, of which \$114,000,000 shall be for deferred mainte-
8 nance projects, including the repair of earthen dams; of
9 which \$15,000,000 shall be for restoration and rehabilita-
10 tion of trails; and of which \$18,000,000 shall be for reme-
11 diation of abandoned mine sites: *Provided*, That the Sec-
12 retary shall utilize to the maximum extent possible the
13 Public Land Corps, the Youth Conservation Corps, and
14 other related partnerships with State, local, tribal or non-
15 profit groups that serve young adults.

16 UNITED STATES FISH AND WILDLIFE SERVICE
17 CONSTRUCTION

18 For an additional amount for “Construction”,
19 \$88,000,000, to remain available until September 30,
20 2010, for refuge and hatchery deferred maintenance
21 projects: *Provided*, That the Secretary shall utilize to the
22 maximum extent possible the Public Land Corps, the
23 Youth Conservation Corps, and other related partnerships
24 with State, local, tribal or nonprofit groups that serve
25 young adults.

1 NATIONAL PARK SERVICE

2 CONSTRUCTION

3 For an additional amount for “Construction”,
4 \$105,000,000, to remain available until September 30,
5 2010, of which \$45,000,000 shall be for deferred maintenance projects; of which \$45,000,000 shall be for restoration and rehabilitation of trails; and of which \$15,000,000
6 shall be for remediation of abandoned mine sites: *Provided*, That the Secretary shall utilize to the maximum extent possible the Public Land Corps, the Youth Conservation Corps, and other related partnerships with State,
7
8
9
10
11
12 local, tribal or nonprofit groups that serve young adults.

13 UNITED STATES GEOLOGICAL SURVEY

14 SURVEYS, INVESTIGATIONS, AND RESEARCH

15 For an additional amount for “Surveys, Investigations, and Research”, \$84,000,000, to remain available
16
17 until September 30, 2010, for repair and restoration of
18 facilities and other deferred maintenance projects.

19 BUREAU OF INDIAN AFFAIRS

20 CONSTRUCTION

21 For an additional amount for “Construction”,
22 \$200,000,000, to remain available until September 30,
23 2010, for repair and restoration of bureau-operated facilities and other deferred maintenance projects.
24

1 ENVIRONMENTAL PROTECTION AGENCY

2 STATE AND TRIBAL ASSISTANCE GRANTS

3 For an additional amount for “State and Tribal As-
 4 sistance Grants”, \$2,500,000,000, to remain available
 5 until expended, of which \$1,750,000,000 shall be for mak-
 6 ing capitalization grants for the Clean Water State Re-
 7 volving Funds under title VI of the Federal Water Pollu-
 8 tion Control Act, as amended; and of which \$750,000,000
 9 shall be for making capitalization grants for the Drinking
 10 Water State Revolving Funds under section 1452 of the
 11 Safe Drinking Water Act, as amended: *Provided*, That
 12 none of these funds shall be subject to State matching re-
 13 quirements: *Provided further*, That of the amount made
 14 available for the Clean Water State Revolving Fund, not
 15 to exceed 1.5 percent may be set aside for grants to tribes
 16 pursuant to section 518(c) of the Federal Water Pollution
 17 Water Control Act.

18 DEPARTMENT OF AGRICULTURE

19 FOREST SERVICE

20 CAPITAL IMPROVEMENT AND MAINTENANCE

21 For an additional amount for “Capital Improvement
 22 and Maintenance”, \$425,000,000, to remain available
 23 until September 30, 2010, for deferred maintenance
 24 projects, which may include remediation of abandoned
 25 mine sites: *Provided*, That the Secretary shall utilize to

1 the maximum extent possible the Public Land Corps, the
 2 Youth Conservation Corps, and other related partnerships
 3 with State, local, tribal or nonprofit groups that serve
 4 young adults.

5 SMITHSONIAN INSTITUTION

6 FACILITIES CAPITAL

7 For an additional amount for “Facilities Capital”,
 8 \$93,500,000, to remain available until September 30,
 9 2010, for deferred maintenance projects.

10 GENERAL PROVISION—THIS CHAPTER

11 SEC. 1601. Notwithstanding any other provision of
 12 law, including section 152 of division A of H.R. 2638
 13 (110th Congress), the Consolidated Security, Disaster As-
 14 sistance, and Continuing Appropriations Act, 2009, the
 15 terms and conditions contained in section 433 of division
 16 F of Public Law 110–161 shall remain in effect for the
 17 fiscal year ending September 30, 2009.

18 CHAPTER 7

19 DEPARTMENT OF LABOR

20 EMPLOYMENT AND TRAINING ADMINISTRATION

21 TRAINING AND EMPLOYMENT SERVICES

22 For an additional amount for “Training and Employ-
 23 ment Services” under the Employment and Training Ad-
 24 ministration, \$600,000,000, for youth activities and dis-
 25 located worker activities authorized by the Workforce In-

1 vestment Act of 1998 (“WIA”): *Provided*, That
2 \$300,000,000 shall be for youth activities and available
3 through June 30, 2009: *Provided further*, That
4 \$300,000,000 shall be for dislocated worker employment
5 and training activities and available for the period July
6 1, 2008 through June 30, 2009: *Provided further*, That
7 no portion of funds available under this heading in this
8 Act shall be reserved to carry out section 127(b)(1)(A),
9 section 128(a), or section 133(a) of the WIA: *Provided*
10 *further*, That the work readiness performance indicator de-
11 scribed in section 136(b)(2)(A)(ii)(I) of the WIA shall be
12 the only measure of performance used to assess the effec-
13 tiveness of the youth activities, and that the performance
14 indicators in section 136(b)(2)(A)(i) of the WIA shall be
15 the measures of performance used to assess the effective-
16 ness of the dislocated worker activities funded with such
17 funds: *Provided further*, That, notwithstanding any other
18 provision of law, additional funds for youth activities pro-
19 vided by this Act shall be allotted as if the total amount
20 of funding available for youth activities in program year
21 2008 is less than \$1,000,000,000.

1 DEPARTMENT OF HEALTH AND HUMAN
 2 SERVICES
 3 CENTERS FOR DISEASE CONTROL AND PREVENTION
 4 DISEASE CONTROL, RESEARCH, AND TRAINING

5 For an additional amount for “Disease Control, Re-
 6 search, and Training”, \$46,000,000, of which
 7 \$20,000,000 shall be to continue and expand investiga-
 8 tions to determine the root causes of disease clusters, in-
 9 cluding but not limited to polycythemia vera clusters; of
 10 which \$21,000,000 shall be for the prevention of and re-
 11 sponse to medical errors including research, education and
 12 outreach activities; and of which \$5,000,000 shall be for
 13 responding to outbreaks of communicable diseases related
 14 to the re-use of syringes in outpatient clinics, including
 15 reimbursement of local health departments for testing and
 16 genetic sequencing of persons potentially exposed.

17 NATIONAL INSTITUTES OF HEALTH
 18 OFFICE OF THE DIRECTOR
 19 (INCLUDING TRANSFER OF FUNDS)

20 For an additional amount for “Office of the Direc-
 21 tor”, \$1,000,000,000, which shall be transferred to the In-
 22 stitutes and Centers of the National Institutes of Health
 23 and to the Common Fund established under section
 24 402A(c)(1) of the Public Health Service Act in proportion
 25 to the appropriations otherwise made to such Institutes,
 26 Centers, and Common Fund for fiscal year 2008: *Pro-*

1 *vided*, That funds shall be used to support additional sci-
 2 entific research and be available for the same purposes
 3 as the appropriation or fund to which transferred: *Pro-*
 4 *vided further*, That this transfer authority is in addition
 5 to any other transfer authority available to the National
 6 Institutes of Health: *Provided further*, That none of these
 7 funds may be transferred to “National Institutes of
 8 Health—Buildings and Facilities”, the Center for Sci-
 9 entific Review, the Center for Information Technology, the
 10 Clinical Center, the Global Fund for HIV/AIDS, Tuber-
 11 culosis and Malaria, or the Office of the Director (except
 12 for the transfer to the Common Fund).

13 ADMINISTRATION FOR CHILDREN AND FAMILIES

14 CHILDREN AND FAMILIES SERVICES PROGRAMS

15 For an additional amount for “Children and Families
 16 Services Programs” for carrying out activities under sec-
 17 tions 674 through 679 of the Community Services Block
 18 Grant Act, \$200,000,000, of which no part shall be sub-
 19 ject to paragraph (3) of section 674(b) of such Act.

20 ADMINISTRATION ON AGING

21 AGING SERVICES PROGRAMS

22 For an additional amount for “Aging Services Pro-
 23 grams”, \$60,000,000, of which \$40,750,000 shall be for
 24 Congregate Nutrition Services and \$19,250,000 shall be
 25 for Home-Delivered Nutrition Services.

1 OFFICE OF THE SECRETARY
2 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
3 FUND
4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for the “Public Health and
6 Social Services Emergency Fund” to support activities re-
7 lated to countering potential biological, nuclear, radio-
8 logical and chemical threats to civilian populations, and
9 for other public health emergencies, \$542,000,000: *Pro-*
10 *vided*, That \$473,000,000 is for advanced research and
11 development of medical countermeasures and ancillary
12 products: *Provided further*, That \$50,000,000 is available
13 to support the delivery of medical countermeasures, of
14 which up to \$20,000,000 may be made available to the
15 United States Postal Service to support such delivery.

16 For an additional amount for the “Public Health and
17 Social Services Emergency Fund” to prepare for and re-
18 spond to an influenza pandemic, \$363,000,000, for activi-
19 ties including the development and purchase of vaccine,
20 antivirals, necessary medical supplies, diagnostics, and
21 other surveillance tools: *Provided*, That products pur-
22 chased with these funds may, at the discretion of the Sec-
23 retary, be deposited in the Strategic National Stockpile:
24 *Provided further*, That notwithstanding section 496(b) of
25 the Public Health Service Act, funds may be used for the
26 construction or renovation of privately owned facilities for

1 the production of pandemic influenza vaccines and other
 2 biologics, where the Secretary finds such a contract nec-
 3 essary to secure sufficient supplies of such vaccines or bio-
 4 logics: *Provided further*, That funds appropriated herein
 5 may be transferred to other appropriation accounts of the
 6 Department of Health and Human Services, as deter-
 7 mined by the Secretary to be appropriate, to be used for
 8 the purposes specified in this sentence.

9 DEPARTMENT OF EDUCATION

10 For carrying out section 1702 of this Act,
 11 \$2,500,000,000, which shall be available for obligation
 12 from July 1, 2008 through September 30, 2009.

13 SCHOOL IMPROVEMENT PROGRAMS

14 For an additional amount for “School Improvement
 15 Programs”, \$36,000,000, for carrying out activities au-
 16 thorized by subtitle B of title VII of the McKinney-Vento
 17 Homeless Assistance Act: *Provided*, That the Secretary
 18 shall make such funds available on a competitive basis to
 19 local educational agencies that demonstrate a high need
 20 for such assistance.

21 GENERAL PROVISIONS—THIS CHAPTER

22 SEC. 1701. REPORT ON THE IMPACT OF PAST AND
 23 FUTURE MINIMUM WAGE INCREASES. (a) IN GENERAL.—
 24 Section 8104 of the U.S. Troop Readiness, Veterans’
 25 Care, Katrina Recovery, and Iraq Accountability Appro-

1 priations Act, 2007 (Public Law 110–28; 121 Stat. 189)
2 is amended to read as follows:

3 **“SEC. 8104. REPORT ON THE IMPACT OF PAST AND FUTURE**
4 **MINIMUM WAGE INCREASES.**

5 “(a) STUDY.—Beginning on the date that is 60 days
6 after the date of enactment of this Act, and every year
7 thereafter until the minimum wage in the respective terri-
8 tory is \$7.25 per hour, the Government Accountability Of-
9 fice shall conduct a study to—

10 “(1) assess the impact of the minimum wage
11 increases that occurred in American Samoa and the
12 Commonwealth of the Northern Mariana Islands in
13 2007 and 2008, as required under Public Law 110–
14 28, on the rates of employment and the living stand-
15 ards of workers, with full consideration of the other
16 factors that impact rates of employment and the liv-
17 ing standards of workers such as inflation in the
18 cost of food, energy, and other commodities; and

19 “(2) estimate the impact of any further wage
20 increases on rates of employment and the living
21 standards of workers in American Samoa and the
22 Commonwealth of the Northern Mariana Islands,
23 with full consideration of the other factors that may
24 impact the rates of employment and the living
25 standards of workers, including assessing how the

1 profitability of major private sector firms may be
2 impacted by wage increases in comparison to other
3 factors such as energy costs and the value of tax
4 benefits.

5 “(b) REPORT.—No earlier than March 15, 2009, and
6 not later than April 15, 2009, the Government Account-
7 ability Office shall transmit its first report to Congress
8 concerning the findings of the study required under sub-
9 section (a). The Government Accountability Office shall
10 transmit any subsequent reports to Congress concerning
11 the findings of a study required by subsection (a) between
12 March 15 and April 15 of each year.

13 “(c) ECONOMIC INFORMATION.—To provide suffi-
14 cient economic data for the conduct of the study under
15 subsection (a)—

16 “(1) the Department of Labor shall include and
17 separately report on American Samoa and the Com-
18 monwealth of the Northern Mariana Islands in its
19 household surveys and establishment surveys;

20 “(2) the Bureau of Economic Analysis of the
21 Department of Commerce shall include and sepa-
22 rately report on American Samoa and the Common-
23 wealth of the Northern Mariana Islands in its gross
24 domestic product data; and

1 “(3) the Bureau of the Census of the Depart-
2 ment of Commerce shall include and separately re-
3 port on American Samoa and the Commonwealth of
4 the Northern Mariana Islands in its population esti-
5 mates and demographic profiles from the American
6 Community Survey,
7 with the same regularity and to the same extent as the
8 Department or each Bureau collects and reports such data
9 for the 50 States. In the event that the inclusion of Amer-
10 ican Samoa and the Commonwealth of the Northern Mar-
11 iana Islands in such surveys and data compilations re-
12 quires time to structure and implement, the Department
13 of Labor, the Bureau of Economic Analysis, and the Bu-
14 reau of the Census (as the case may be) shall in the in-
15 terim annually report the best available data that can fea-
16 sibly be secured with respect to such territories. Such in-
17 terim reports shall describe the steps the Department or
18 the respective Bureau will take to improve future data col-
19 lection in the territories to achieve comparability with the
20 data collected in the United States. The Department of
21 Labor, the Bureau of Economic Analysis, and the Bureau
22 of the Census, together with the Department of the Inte-
23 rior, shall coordinate their efforts to achieve such improve-
24 ments.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall take effect on the date of enactment of
3 this Act.

4 SEC. 1702. GRANTS FOR SCHOOL RENOVATION. (a)
5 ALLOCATION OF FUNDS.—

6 (1) RESERVATION.—From the funds appro-
7 priated to carry out this section for a fiscal year, the
8 Secretary shall reserve 1 percent to provide assist-
9 ance under this section to the outlying areas and for
10 payments to the Secretary of the Interior to provide
11 assistance consistent with this section to schools
12 funded by the Bureau of Indian Education. Funds
13 reserved under this subsection shall be distributed
14 by the Secretary among the outlying areas and the
15 Secretary of the Interior on the basis of their rel-
16 ative need, as determined by the Secretary, in ac-
17 cordance with the purposes of this section.

18 (2) ALLOCATION TO STATE EDUCATIONAL
19 AGENCIES.—After making the reservation described
20 in paragraph (1), from the remainder of the appro-
21 priated funds described in paragraph (1), the Sec-
22 retary shall allocate to each State educational agen-
23 cy serving a State an amount that bears the same
24 relation to the remainder for the fiscal year as the
25 amount the State received under part A of title I of

1 such Act for fiscal year 2008 bears to the amount
2 all States received under such part for fiscal year
3 2008, except that no such State educational agency
4 shall receive less than 0.5 percent of the amount al-
5 located under this paragraph.

6 (b) WITHIN-STATE ALLOCATIONS.—

7 (1) ADMINISTRATIVE COSTS.—

8 (A) STATE EDUCATIONAL AGENCY ADMIN-
9 ISTRATION.—Except as provided in subpara-
10 graph (C), each State educational agency may
11 reserve not more than 1 percent of its allocation
12 under subsection (a)(2) or \$1,000,000, which-
13 ever is less, for the purpose of administering
14 the distribution of grants under this subsection.

15 (B) REQUIRED USES.—The State edu-
16 cational agency shall use a portion of the re-
17 served funds to establish or support a State-
18 level database of public school facility inventory,
19 condition, design, and utilization.

20 (C) STATE ENTITY ADMINISTRATION.—If
21 the State educational agency transfers funds to
22 a State entity described in paragraph (2)(A),
23 the State educational agency shall transfer to
24 such entity 0.75 of the amount reserved under

1 this paragraph for the purpose of administering
2 the distribution of grants under this subsection.

3 (2) RESERVATION FOR COMPETITIVE SCHOOL
4 REPAIR AND RENOVATION GRANTS TO LOCAL EDU-
5 CATIONAL AGENCIES.—

6 (A) IN GENERAL.—Subject to the reserva-
7 tion under paragraph (1), of the funds allocated
8 to a State educational agency under subsection
9 (a)(2), the State educational agency shall dis-
10 tribute 100 percent of such funds to local edu-
11 cational agencies or, if such State educational
12 agency is not responsible for the financing of
13 education facilities, the State educational agen-
14 cy shall transfer such funds to the State entity
15 responsible for the financing of education facili-
16 ties (referred to in this section as the “State
17 entity”) for distribution by such entity to local
18 educational agencies in accordance with this
19 paragraph, to be used, consistent with sub-
20 section (c), for school repair and renovation.

21 (B) COMPETITIVE GRANTS TO LOCAL EDU-
22 CATIONAL AGENCIES.—The State educational
23 agency or State entity shall carry out a pro-
24 gram awarding grants, on a competitive basis,
25 to local educational agencies for the purpose de-

1 scribed in subparagraph (A). Of the total
2 amount available for distribution to local edu-
3 cational agencies under this paragraph, the
4 State educational agency or State entity, shall,
5 in carrying out the grant competition—

6 (i) award to high-need local edu-
7 cational agencies, in the aggregate, at least
8 an amount which bears the same relation-
9 ship to such total amount as the aggregate
10 amount such high-need local educational
11 agencies received under part A of title I of
12 the Elementary and Secondary Education
13 Act of 1965 (20 U.S.C. 6311 et seq.) for
14 fiscal year 2008 bears to the aggregate
15 amount received for such fiscal year under
16 such part by all local educational agencies
17 in the State;

18 (ii) award to rural local educational
19 agencies in the State, in the aggregate, at
20 least an amount which bears the same re-
21 lationship to such total amount as the ag-
22 gregate amount such rural local edu-
23 cational agencies received under such part
24 for fiscal year 2008 bears to the aggregate
25 amount received for such fiscal year under

1 such part by all local educational agencies
2 in the State; and

3 (iii) award the remaining funds to
4 local educational agencies not receiving an
5 award under clause (i) or (ii), including
6 high-need local educational agencies and
7 rural local educational agencies that did
8 not receive such an award.

9 (C) CRITERIA FOR AWARDING GRANTS.—

10 In awarding competitive grants under this para-
11 graph, a State educational agency or State enti-
12 ty shall take into account the following criteria:

13 (i) PERCENTAGE OF POOR CHIL-
14 DREN.—The percentage of poor children 5
15 to 17 years of age, inclusive, in a local
16 educational agency.

17 (ii) NEED FOR SCHOOL REPAIR AND
18 RENOVATION.—The need of a local edu-
19 cational agency for school repair and ren-
20 ovation, as demonstrated by the condition
21 of the public school facilities of the local
22 educational agency.

23 (iii) FISCAL CAPACITY.—The fiscal ca-
24 pacity of a local educational agency to
25 meet the needs of the local educational

1 agency for repair and renovation of public
 2 school facilities without assistance under
 3 this section, including the ability of the
 4 local educational agency to raise funds
 5 through the use of local bonding capacity
 6 and otherwise.

7 (iv) CHARTER SCHOOL ACCESS TO
 8 FUNDING.—In the case of a local edu-
 9 cational agency that proposes to fund a re-
 10 pair or renovation project for a charter
 11 school, the extent to which the school has
 12 access to funding for the project through
 13 the financing methods available to other
 14 public schools or local educational agencies
 15 in the State.

16 (v) LIKELIHOOD OF MAINTAINING
 17 THE FACILITY.—The likelihood that the
 18 local educational agency will maintain, in
 19 good condition, any facility whose repair or
 20 renovation is assisted under this section.

21 (D) MATCHING REQUIREMENT.—

22 (i) IN GENERAL.—A State educational
 23 agency or State entity shall require local
 24 educational agencies to match funds
 25 awarded under this subsection.

1 (ii) MATCH AMOUNT.—The amount of
 2 a match described in clause (i) may be es-
 3 tablished by using a sliding scale that
 4 takes into account the relative poverty of
 5 the population served by the local edu-
 6 cational agency.

7 (c) RULES APPLICABLE TO SCHOOL REPAIR AND
 8 RENOVATION.—With respect to funds made available
 9 under this section that are used for school repair and ren-
 10 ovation, the following rules shall apply:

11 (1) PERMISSIBLE USES OF FUNDS.—School re-
 12 pair and renovation shall be limited to 1 or more of
 13 the following:

14 (A) EMERGENCY REPAIRS OR RENOVA-
 15 TIONS.—Emergency repairs or renovations to
 16 public school facilities only to ensure the health
 17 and safety of students and staff, including—

18 (i) repairing, replacing, or installing
 19 roofs, windows, doors, electrical wiring,
 20 plumbing systems, or sewage systems;

21 (ii) repairing, replacing, or installing
 22 heating, ventilation, or air conditioning
 23 systems (including insulation); and

24 (iii) bringing public schools into com-
 25 pliance with fire and safety codes.

1 (B) MODIFICATIONS FOR COMPLIANCE
2 WITH THE AMERICANS WITH DISABILITIES ACT
3 OF 1990.—School facilities modifications nec-
4 essary to render public school facilities acces-
5 sible in order to comply with the Americans
6 with Disabilities Act of 1990 (42 U.S.C. 12101
7 et seq.).

8 (C) MODIFICATIONS FOR COMPLIANCE
9 WITH SECTION 504 OF THE REHABILITATION
10 ACT OF 1973.—School facilities modifications
11 necessary to render public school facilities ac-
12 cessible in order to comply with section 504 of
13 the Rehabilitation Act of 1973 (29 U.S.C. 794).

14 (D) ASBESTOS ABATEMENT OR RE-
15 MOVAL.—Asbestos abatement or removal from
16 public school facilities.

17 (E) CHARTER SCHOOL BUILDING INFRA-
18 STRUCTURE.—Renovation and repair needs re-
19 lated to the building infrastructure of a charter
20 school.

21 (2) IMPERMISSIBLE USES OF FUNDS.—No
22 funds received under this section may be used for—

23 (A) payment of maintenance costs in con-
24 nection with any projects constructed in whole

1 or part with Federal funds provided under this
2 section;

3 (B) the construction of new facilities; or

4 (C) stadiums or other facilities primarily
5 used for athletic contests or exhibitions or other
6 events for which admission is charged to the
7 general public.

8 (3) SUPPLEMENT, NOT SUPPLANT.—Excluding
9 the uses described in subparagraphs (B) and (C) of
10 paragraph (1), a local educational agency shall use
11 Federal funds subject to this subsection only to sup-
12 plement the amount of funds that would, in the ab-
13 sence of such Federal funds, be made available from
14 non-Federal sources for school repair and renova-
15 tion.

16 (d) QUALIFIED BIDDERS; COMPETITION.—Each local
17 educational agency that receives funds under this section
18 shall ensure that, if the local educational agency carries
19 out repair or renovation through a contract, any such con-
20 tract process ensures the maximum number of qualified
21 bidders, including small, minority, and women-owned busi-
22 nesses, through full and open competition.

23 (e) REPORTING.—

24 (1) LOCAL REPORTING.—Each local educational
25 agency receiving funds made available under sub-

1 section (a)(2) shall submit a report to the State edu-
 2 cational agency, at such time as the State edu-
 3 cational agency may require, describing the use of
 4 such funds for school repair and renovation.

5 (2) STATE REPORTING.—Each State edu-
 6 cational agency receiving funds made available under
 7 subsection (a)(2) shall submit to the Secretary, not
 8 later than December 31, 2010, a report on the use
 9 of funds received under subsection (a)(2) and made
 10 available to local educational agencies for school re-
 11 pair and renovation.

12 (f) REALLOCATION.—If a State educational agency
 13 does not apply for an allocation of funds under subsection
 14 (a)(2) for a fiscal year, or does not use its entire allocation
 15 for such fiscal year, then the Secretary may reallocate the
 16 amount of the State educational agency’s allocation (or
 17 the remainder thereof, as the case may be) for such fiscal
 18 year to the remaining State educational agencies in ac-
 19 cordance with subsection (a)(2).

20 (g) DEFINITIONS.—For purposes of this section:

21 (1) CHARTER SCHOOL.—The term “charter
 22 school” has the meaning given the term in section
 23 5210 of the Elementary and Secondary Education
 24 Act of 1965 (20 U.S.C. 7221i).

1 (2) HIGH-NEED LOCAL EDUCATIONAL AGEN-
 2 CY.—The term “high-need local educational agency”
 3 has the meaning given the term in section
 4 2102(3)(A) of such Act (20 U.S.C. 6602(3)(A)).

5 (3) LOCAL EDUCATIONAL AGENCY; SECRETARY;
 6 STATE EDUCATIONAL AGENCY.—The terms “local
 7 educational agency”, “Secretary”, and “State edu-
 8 cational agency” have the meanings given the terms
 9 in section 9101 of such Act (20 U.S.C. 7801).

10 (4) OUTLYING AREA.—The term “outlying
 11 area” has the meaning given the term in section
 12 1121(c) of such Act (20 U.S.C. 6331(c)).

13 (5) POOR CHILDREN.—The term “poor chil-
 14 dren” refers to children 5 to 17 years of age, inclu-
 15 sive, who are from families with incomes below the
 16 poverty line (as defined by the Office of Manage-
 17 ment and Budget and revised annually in accordance
 18 with section 673(2) of the Community Services
 19 Block Grant Act (42 U.S.C. 9902(2)) applicable to
 20 a family of the size involved for the most recent fis-
 21 cal year for which data satisfactory to the Secretary
 22 are available.

23 (6) RURAL LOCAL EDUCATIONAL AGENCY.—
 24 The term “rural local educational agency” means a
 25 local educational agency that the State determines is

1 located in a rural area using objective data and a
 2 commonly employed definition of the term “rural”.

3 (7) STATE.—The term “State” means each of
 4 the several states of the United States, the District
 5 of Columbia, and the Commonwealth of Puerto Rico.

6 SEC. 1703. RESTORATION OF ACCESS TO NOMINAL
 7 DRUG PRICING FOR CERTAIN CLINICS AND HEALTH CEN-
 8 TERS. (a) IN GENERAL.—Section 1927(c)(1)(D) of the
 9 Social Security Act (42 U.S.C. §1396r-8(c)(1)(D)), as
 10 added by section 6001(d)(2) of the Deficit Reduction Act
 11 of 2005 (Public Law 109–171), is amended—

12 (1) in clause (i)—

13 (A) by redesignating subclause (IV) as
 14 subclause (VI); and

15 (B) by inserting after subclause (III) the
 16 following:

17 “(IV) An entity that—

18 “(aa) is described in section
 19 501(c)(3) of the Internal Rev-
 20 enue Code of 1986 and exempt
 21 from tax under section 501(a) of
 22 such Act or is State-owned or op-
 23 erated; and

24 “(bb) would be a covered en-
 25 tity described in section

1 340(B)(a)(4) of the Public
 2 Health Service Act insofar as the
 3 entity provides the same type of
 4 services to the same type of pop-
 5 ulations as a covered entity de-
 6 scribed in such section provides,
 7 but does not receive funding
 8 under a provision of law referred
 9 to in such section.

10 “(V) A public or nonprofit entity,
 11 or an entity based at an institution of
 12 higher learning whose primary pur-
 13 pose is to provide health care services
 14 to students of that institution, that
 15 provides a service or services de-
 16 scribed under section 1001(a) of the
 17 Public Health Service Act.”; and

18 (2) by adding at the end the following new
 19 clause:

20 “(iv) RULE OF CONSTRUCTION.—
 21 Nothing in this subparagraph shall be con-
 22 strued to alter any existing statutory or
 23 regulatory prohibition on services with re-
 24 spect to an entity described in subclause
 25 (IV) or (V) of clause (i), including the pro-

1 hibition set forth in section 1008 of the
2 Public Health Service Act.”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect as if included in the amend-
5 ment made by section 6001(d)(2) of the Deficit Reduction
6 Act of 2005.

7 CHAPTER 8

8 DEPARTMENT OF DEFENSE

9 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

10 For an additional amount for “Military Construction,
11 Navy and Marine Corps”, \$75,000,000, to remain avail-
12 able until expended, for the planning, design, and con-
13 struction of child development centers: *Provided*, That not-
14 withstanding any other provision of law, such funds may
15 be obligated and expended to carry out planning and de-
16 sign and construction not otherwise authorized by law:
17 *Provided further*, That within 30 days of enactment of this
18 Act, the Secretary of the Navy shall submit to the Com-
19 mittees on Appropriations of both Houses of Congress an
20 expenditure plan for funds provided under this heading.

21 FAMILY HOUSING CONSTRUCTION, ARMY

22 For an additional amount for “Family Housing Con-
23 struction, Army”, \$50,000,000, to remain available until
24 expended, for military family housing construction and im-
25 provements: *Provided*, That notwithstanding any other

1 provision of law, such funds may be obligated and ex-
 2 pended to carry out planning and design and construction
 3 not otherwise authorized by law: *Provided further*, That
 4 within 30 days of enactment of this Act, the Secretary
 5 of the Army shall submit to the Committees on Appropria-
 6 tions of both Houses of Congress an expenditure plan for
 7 funds provided under this heading.

8 FAMILY HOUSING CONSTRUCTION, AIR FORCE

9 For an additional amount for “Family Housing Con-
 10 struction, Air Force”, \$125,000,000, to remain available
 11 until expended, for military family housing construction
 12 and improvements: *Provided*, That notwithstanding any
 13 other provision of law, such funds may be obligated and
 14 expended to carry out planning and design and construc-
 15 tion not otherwise authorized by law: *Provided further*,
 16 That within 30 days of enactment of this Act, the Sec-
 17 retary of the Air Force shall submit to the Committees
 18 on Appropriations of both Houses of Congress an expendi-
 19 ture plan for funds provided under this heading.

20 GENERAL PROVISION—THIS CHAPTER

21 SEC. 1801. PAYMENTS TO ELIGIBLE PERSONS WHO
 22 SERVED IN THE UNITED STATES ARMY FORCES IN THE
 23 FAR EAST DURING WORLD WAR II. (a) FINDINGS.—Con-
 24 gress makes the following findings:

1 (1) The Philippine islands became a United
2 States possession in 1898 when they were ceded
3 from Spain following the Spanish-American War.

4 (2) During World War II, Filipinos served in a
5 variety of units, some of which came under the di-
6 rect control of the United States Armed Forces.

7 (3) The regular Philippine Scouts, the new
8 Philippine Scouts, the Guerilla Services, and more
9 than 100,000 members of the Philippine Common-
10 wealth Army were called into the service of the
11 United States Armed Forces of the Far East on
12 July 26, 1941, by an executive order of President
13 Franklin D. Roosevelt.

14 (4) Even after hostilities had ceased, wartime
15 service of the new Philippine Scouts continued as a
16 matter of law until the end of 1946, and the force
17 gradually disbanded and was disestablished in 1950.

18 (5) Filipino veterans who were granted benefits
19 prior to the enactment of the so-called Rescissions
20 Acts of 1946 (Public Laws 79-301 and 79-391)
21 currently receive full benefits under laws adminis-
22 tered by the Secretary of Veterans Affairs, but
23 under section 107 of title 38, United States Code,
24 the service of certain other Filipino veterans is

1 deemed not to be active service for purposes of such
2 laws.

3 (6) These other Filipino veterans only receive
4 certain benefits under title 38, United States Code,
5 and, depending on where they legally reside, are paid
6 such benefit amounts at reduced rates.

7 (7) The benefits such veterans receive include
8 service-connected compensation benefits paid under
9 chapter 11 of title 38, United States Code, depend-
10 ency indemnity compensation survivor benefits paid
11 under chapter 13 of title 38, United States Code,
12 and burial benefits under chapters 23 and 24 of title
13 38, United States Code, and such benefits are paid
14 to beneficiaries at the rate of \$0.50 per dollar au-
15 thorized, unless they lawfully reside in the United
16 States.

17 (8) Dependents' educational assistance under
18 chapter 35 of title 38, United States Code, is also
19 payable for the dependents of such veterans at the
20 rate of \$0.50 per dollar authorized, regardless of the
21 veterans' residency.

22 (b) COMPENSATION FUND.—

23 (1) IN GENERAL.—There is in the general fund
24 of the Treasury a fund to be known as the “Filipino

1 Veterans Equity Compensation Fund” (in this sec-
2 tion referred to as the “compensation fund”).

3 (2) AVAILABILITY OF FUNDS.—Subject to the
4 availability of appropriations for such purpose,
5 amounts in the compensation fund shall be available
6 to the Secretary of Veterans Affairs without fiscal
7 year limitation to make payments to eligible persons
8 in accordance with this section.

9 (c) PAYMENTS.—

10 (1) IN GENERAL.—During the one-year period
11 beginning on the date of the enactment of this Act,
12 the Secretary shall make a payment to an eligible
13 person who, during such period, submits to the Sec-
14 retary an application containing such information
15 and assurances as the Secretary may require.

16 (2) PAYMENT TO SURVIVING SPOUSE.—If an el-
17 igible person dies during the period described in
18 paragraph (1) before payment is made to the eligible
19 person under this section, the payment otherwise to
20 be made to the eligible person under this section
21 shall be made instead to the surviving spouse of the
22 eligible person.

23 (d) ELIGIBLE PERSONS.—An eligible person is any
24 person who served—

1 (1) before July 1, 1946, in the organized mili-
2 tary forces of the Government of the Commonwealth
3 of the Philippines, while such forces were in the
4 service of the Armed Forces of the United States
5 pursuant to the military order of the President
6 dated July 26, 1941, including among such military
7 forces organized guerrilla forces under commanders
8 appointed, designated, or subsequently recognized by
9 the Commander in Chief, Southwest Pacific Area, or
10 other competent authority in the Army of the United
11 States; or

12 (2) in the Philippine Scouts under section 14 of
13 the Armed Forces Voluntary Recruitment Act of
14 1945 (59 Stat. 538).

15 (e) PAYMENT AMOUNTS.—Each payment under this
16 section shall be—

17 (1) in the case of an eligible person who is not
18 a citizen of the United States, in the amount of
19 \$9,000; and

20 (2) in the case of an eligible person who is a
21 citizen of the United States, in the amount of
22 \$15,000.

23 (f) LIMITATION.—The Secretary may not make more
24 than one payment under this section for each person de-
25 scribed in subsection (d).

1 (g) CLARIFICATION OF TREATMENT OF PAYMENTS
2 UNDER CERTAIN LAWS.—Amounts paid to a person
3 under this section—

4 (1) shall be treated for purposes of the internal
5 revenue laws of the United States as damages for
6 human suffering; and

7 (2) shall not be included in income or resources
8 for purposes of determining—

9 (A) eligibility of an individual to receive
10 benefits described in section 3803(c)(2)(C) of
11 title 31, United States Code, or the amount of
12 such benefits; or

13 (B) eligibility of an individual to receive
14 benefits under title II or VIII of the Social Se-
15 curity Act, or the amount of such benefits.

16 (h) RELEASE.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), the acceptance by an eligible person of a
19 payment under this section shall be final, and shall
20 constitute a complete release of any claim against
21 the United States by reason of any service described
22 in subsection (d).

23 (2) PAYMENT OF PREVIOUSLY AWARDED BENE-
24 FITS.—Nothing in this section shall prohibit a per-
25 son from receiving any benefit to which the person

1 is entitled based on a claim for which benefits are
2 awarded before the date of the enactment of this
3 Act, including on a claim for medical care and nurs-
4 ing care benefits, burial benefits, and any other ben-
5 efits to which the person is entitled by law.

6 (i) RECOGNITION OF SERVICE.—The service of a per-
7 son as described in subsection (d) is hereby recognized as
8 active military service in the Armed Forces for purposes
9 of, and to the extent provided in, this section.

10 (j) REPORTS.—The Secretary shall include, in docu-
11 ments submitted to Congress by the Secretary in support
12 of the President’s budget for each fiscal year in which pay-
13 ments are made from the compensation fund under this
14 section, detailed information on the operation of the com-
15 pensation fund, including the number of applicants, the
16 number of eligible persons receiving benefits, the amounts
17 paid out of the compensation fund, and the administration
18 of the compensation fund.

19 (k) REGULATIONS.—Not later than 90 days after the
20 date of the enactment of this Act, the Secretary shall pre-
21 scribe regulations to carry out this section.

22 (l) AUTHORIZATION OF APPROPRIATION.—There is
23 authorized to be appropriated to the compensation fund
24 \$198,000,000, to remain available until expended, to make
25 payments under this section.

1 CHAPTER 9
2 DEPARTMENT OF TRANSPORTATION
3 FEDERAL AVIATION ADMINISTRATION
4 SUPPLEMENTAL DISCRETIONARY GRANTS FOR AIRPORT
5 INVESTMENT

6 For an additional amount for capital expenditures
7 authorized under section 47102(3) of title 49, United
8 States Code, \$500,000,000: *Provided*, That the Secretary
9 of Transportation shall distribute funds provided under
10 this heading as discretionary grants to airports that dem-
11 onstrate to his or her satisfaction their ability to obligate
12 these funds within 180 days of the date of such distribu-
13 tion and shall serve to supplement and not supplant
14 planned expenditures from airport-generated revenues or
15 from other State and local sources on such activities: *Pro-*
16 *vided further*, That no funds provided under this heading
17 shall be used for activities not identified on an airport lay-
18 out plan: *Provided further*, That the Federal share payable
19 of the costs for which a grant is made under this heading
20 shall be 100 percent: *Provided further*, That the amount
21 made available under this heading shall not be subject to
22 any limitation on obligations for the Grants-in-Aid for Air-
23 ports program set forth in any Act: *Provided further*, That
24 projects conducted using funds provided under this head-

ing must comply with the requirements of subchapter IV
of chapter 31 of title 40, United States Code.

FEDERAL HIGHWAY ADMINISTRATION
SUPPLEMENTAL GRANTS TO STATES FOR FEDERAL-AID
HIGHWAY INVESTMENT

For an additional amount for restoration, repair, construction and other activities eligible under paragraph (b) of section 133 of title 23, United States Code, \$10,000,000,000: *Provided*, That the Secretary of Transportation shall transfer \$2,000,000 to the Inspector General of the Department of Transportation for costs associated with audits and investigations of projects and activities carried out with funds made available to the Department of Transportation in this Act: *Provided further*, That after making such transfer, the remaining funds provided under this heading shall be apportioned to States using the formula set forth in section 104(b)(3) of such title: *Provided further*, That funding provided under this heading shall be in addition to any and all funds provided for fiscal years 2008 and 2009 in any other Act for “Federal-aid Highways” and shall not affect the distribution of funds provided for “Federal-aid Highways” in any other Act: *Provided further*, That the Secretary of Transportation shall institute measures to ensure that funds provided under this heading shall be obligated within 180

1 days of the date of their apportionment: *Provided further*,
 2 That 180 days following the date of such apportionment,
 3 the Secretary shall withdraw and redistribute any unobli-
 4 gated funds utilizing whatever method he or she deems
 5 appropriate to ensure that all funds provided under this
 6 heading shall be obligated promptly: *Provided further*,
 7 That the Federal share payable on account of any project
 8 or activity carried out with funds made available under
 9 this heading shall be 100 percent of the total cost thereof:
 10 *Provided further*, That the amount made available under
 11 this heading shall not be subject to any limitation on obli-
 12 gations for Federal-aid highways or highway safety con-
 13 struction programs set forth in any Act: *Provided further*,
 14 That projects conducted using funds provided under this
 15 heading must comply with the requirements of subchapter
 16 IV of chapter 31 of title 40, United States Code: *Provided*
 17 *further*, That for the purposes of the definition of States
 18 for this paragraph, sections 101(a)(32) of title 23, United
 19 States Code, shall apply.

20 SUPPLEMENTAL GRANTS TO STATES FOR FERRY

21 TRANSPORTATION INVESTMENT

22 For an additional amount for capital expenditures eli-
 23 gible under section 147 of title 23, United States Code,
 24 \$60,000,000: *Provided*, That the Secretary of Transpor-
 25 tation shall distribute funds provided under this heading
 26 as discretionary grants to States, with the highest priority

1 given to those projects that demonstrate to his or her sat-
 2 isfaction their ability to obligate these funds within 180
 3 days of the date of such distribution: *Provided further,*
 4 That the Federal share payable of the costs for which a
 5 grant is made under this heading shall be 100 percent:
 6 *Provided further,* That the amount made available under
 7 this heading shall not be subject to any limitation on obli-
 8 gations for the Federal-aid highways or highway safety
 9 construction programs set forth in any Act: *Provided fur-*
 10 *ther,* That projects conducted using funds provided under
 11 this heading must comply with the requirements of sub-
 12 chapter IV of chapter 31 of title 40, United States Code.

13 FEDERAL RAILROAD ADMINISTRATION

14 SUPPLEMENTAL GRANTS TO STATES FOR INTERCITY

15 PASSENGER RAIL SERVICE

16 For an additional amount for grants to States to pay
 17 for the cost of projects described in paragraph (2)(A) and
 18 (2)(B) of section 24401 and subsection (b) of section
 19 24105 of title 49, United States Code, \$100,000,000: *Pro-*
 20 *vided,* That to be eligible for assistance under this para-
 21 graph, the specific project must be on the Statewide
 22 Transportation Improvement Plan at the time of the ap-
 23 plication to qualify: *Provided further,* That the Secretary
 24 of Transportation shall give priority to projects that dem-
 25 onstrate an ability to obligate funds within 180 days of

1 the date of enactment of this Act and to projects that im-
 2 prove the safety and reliability of intercity passenger
 3 trains: *Provided further*, That the Federal share payable
 4 of the costs for which a grant is made under this heading
 5 shall be 100 percent: *Provided further*, That projects con-
 6 ducted using funds provided under this heading must com-
 7 ply with the requirements of subchapter IV of chapter 31
 8 of title 40, United States Code.

9 SUPPLEMENTAL CAPITAL GRANTS TO THE NATIONAL
 10 RAILROAD PASSENGER CORPORATION

11 For an additional amount for the immediate invest-
 12 ment in capital projects necessary to maintain and im-
 13 prove national intercity passenger rail service,
 14 \$400,000,000: *Provided*, That funds made available under
 15 this heading shall be allocated directly to the corporation
 16 for the purpose of immediate investment in capital
 17 projects including the rehabilitation of rolling stock for the
 18 purpose of expanding passenger rail capacity: *Provided*
 19 *further*, that the Board of Directors shall take measures
 20 to ensure that funds provided under this heading shall be
 21 obligated within 180 days of the enactment of this Act
 22 and shall serve to supplement and not supplant planned
 23 expenditures for such activities from other Federal, State,
 24 local and corporate sources: *Provided further*, That said
 25 Board of Directors shall certify to the House and Senate
 26 Committees on Appropriations in writing their compliance

1 with the preceding proviso: *Provided further*, That not
 2 more than 50 percent of the funds provided under this
 3 heading may be used for capital projects along the North-
 4 east Corridor.

5 FEDERAL TRANSIT ADMINISTRATION
 6 SUPPLEMENTAL DISCRETIONARY GRANTS FOR PUBLIC
 7 TRANSIT INVESTMENT

8 For an additional amount for capital expenditures
 9 authorized under section 5302(a)(1) of title 49, United
 10 States Code, \$2,500,000,000: *Provided*, That the Sec-
 11 retary of Transportation shall apportion funds provided
 12 under this heading based on the formula set forth in sub-
 13 sections (a) through (c) of section 5336 of title 49, United
 14 States Code: *Provided further*, That the Secretary shall
 15 take such measures necessary to ensure that the minimum
 16 amount of funding distributed under this heading to any
 17 individual transit authority shall not be less than
 18 \$100,000: *Provided further*, That the Secretary of Trans-
 19 portation shall institute measures to ensure that funds
 20 provided under this heading shall be obligated within 180
 21 days of the date of their apportionment: *Provided further*,
 22 That 180 days following the date of such apportionment,
 23 the Secretary shall withdraw and redistribute any unobli-
 24 gated funds utilizing whatever method he or she deems
 25 appropriate to ensure that all funds provided under this

1 paragraph shall be obligated promptly: *Provided further*,
 2 That the Secretary of Transportation shall make such
 3 funds available to pay for operating expenses to the extent
 4 that a transit authority demonstrates to his or her satis-
 5 faction that such funds are necessary to continue current
 6 services or expand such services to meet increased rider-
 7 ship: *Provided further*, That the Federal share of the costs
 8 for which a grant is made under this heading shall be 100
 9 percent: *Provided further*, That the amount made available
 10 under this heading shall not be subject to any limitation
 11 on obligations for transit programs set forth in any Act:
 12 *Provided further*, That the funds appropriated under this
 13 heading shall be subject to section 5333(a) of title 49,
 14 United States Code but shall not be comingled with funds
 15 available under the Formula and Bus Grants account.

16 MARITIME ADMINISTRATION

17 SUPPLEMENTAL GRANTS FOR ASSISTANCE TO SMALL 18 SHIPYARDS

19 For an additional amount to make grants to qualified
 20 shipyards as authorized under section 3506 of Public Law
 21 109–163 or section 54101 of title 46, United States Code,
 22 \$60,000,000: *Provided*, That the Secretary of Transpor-
 23 tation shall institute measures to ensure that funds pro-
 24 vided under this heading shall be obligated within 180
 25 days of the date of their distribution.

1 DEPARTMENT OF HOUSING AND URBAN
2 DEVELOPMENT
3 SUPPLEMENTAL GRANTS TO PUBLIC HOUSING
4 AGENCIES FOR CAPITAL NEEDS

5 For an additional amount for discretionary grants to
6 public housing agencies for capital expenditures permitted
7 under section 9(d)(1) of the United States Housing Act
8 of 1937, as amended, \$700,000,000: *Provided*, That in al-
9 locating discretionary grants under this paragraph, the
10 Secretary of Housing and Urban Development shall give
11 priority consideration to housing agencies that have
12 projects that are ready-to-go, as well as projects resulting
13 in the rehabilitation of vacant rental units or improved
14 energy efficiency: *Provided further*, That the Secretary
15 may also give priority to projects that require additional
16 capital to complete development transactions stalled by
17 changes in the low-income housing tax credit and housing
18 bond markets: *Provided further*, That the Secretary shall
19 not provide any additional priority to any housing agency
20 that is under the receivership of the Department and no
21 housing agency shall receive more than 5 percent of the
22 total amount provided: *Provided further*, That notwith-
23 standing any other provision of law, the Secretary shall
24 institute measures to ensure that funds provided under
25 this paragraph shall be obligated within 180 days of the

1 date of enactment of this Act and shall serve to supple-
 2 ment and not supplant expenditures from other Federal,
 3 State, or local sources: *Provided further*, That in admin-
 4 istering funds provided in this paragraph, the Secretary
 5 may waive any provision of any statute or regulation that
 6 the Secretary administers in connection with the obliga-
 7 tion by the Secretary or the use by the recipient of these
 8 funds (except for requirements related to fair housing,
 9 nondiscrimination, labor standards, and the environment),
 10 upon a finding that such waiver is required to facilitate
 11 the timely use of such funds.

12 SUPPLEMENTAL GRANTS TO PUBLIC HOUSING AGENCIES
 13 FOR EXTRAORDINARY ENERGY COSTS

14 For an additional amount for discretionary grants to
 15 public housing agencies for operating expenses permitted
 16 under section 9(e) of the United States Housing Act of
 17 1937 (42 U.S.C. 1437g(e)), \$200,000,000: *Provided*, That
 18 funding provided under this heading shall be used to cover
 19 extraordinary energy costs: *Provided further*, That to be
 20 eligible for such grants, public housing agencies must
 21 demonstrate to the satisfaction of the Secretary a signifi-
 22 cant increase in energy costs associated with operating
 23 and maintaining public housing: *Provided further*, That
 24 notwithstanding any other provision of law, the Secretary
 25 shall institute measures to ensure that funds provided
 26 under this paragraph shall be allocated to those public

1 housing agencies most in need of such assistance and that
 2 such funds shall be obligated within 180 days of the date
 3 of enactment of this Act: *Provided further*, That in admin-
 4 istering funds provided in this paragraph, the Secretary
 5 may waive any provision of any statute or regulation that
 6 the Secretary administers in connection with the obliga-
 7 tion by the Secretary or the use by the recipient of these
 8 funds (except for requirements related to fair housing,
 9 nondiscrimination, labor standards and the environment),
 10 upon a finding that such a waiver is required to facilitate
 11 the timely use of such funds.

12 HOUSING ASSISTANCE FOR TENANTS DISPLACED BY
 13 FORECLOSURE

14 For an additional amount to provide relocation and
 15 temporary housing assistance to individuals and families
 16 that rent dwelling units that have been foreclosed upon,
 17 or are in default and where foreclosure is imminent,
 18 \$575,000,000: *Provided*, That the Secretary of Housing
 19 and Urban Development shall establish a formula to allo-
 20 cate amounts made available under this heading to States
 21 and units of general local government (as such terms are
 22 defined in section 102 of the Housing and Community De-
 23 velopment Act of 1974 (42 U.S.C. 5302)): *Provided fur-*
 24 *ther*, That in developing the formula, the Secretary shall
 25 consider areas with the greatest need based on the number
 26 and percentage of rental properties in default or delin-

1 quency and the greatest number and percentage of rental
 2 properties in foreclosure: *Provided further*, That grantees
 3 shall demonstrate their ability to coordinate with local
 4 Continuums of Care and their ability to serve tenants who
 5 are least likely to obtain stable, affordable housing upon
 6 eviction, including families with children: *Provided further*,
 7 That funding made available under this heading may be
 8 used for temporary rental assistance, first and last
 9 month's rent, security deposit, case management services,
 10 or other appropriate services necessary to assist eligible
 11 individuals or families in finding safe and affordable per-
 12 manent housing: *Provided further*, That the Secretary
 13 shall provide notice of the availability of funding provided
 14 under this heading within 60 days of the enactment of
 15 this Act.

16 FEDERAL HOUSING ADMINISTRATION

17 INFORMATION TECHNOLOGY

18 For an additional amount to maintain, modernize
 19 and improve technology systems and infrastructure for the
 20 Federal Housing Administration, \$36,093,000: *Provided*,
 21 That these funds shall serve to supplement and not sup-
 22 plant planned expenditures for the Federal Housing Ad-
 23 ministration for information technology maintenance and
 24 development funding provided through the Departmental
 25 Working Capital Fund.

SALARIES AND EXPENSES

For an additional amount for salaries and expenses for the Federal Housing Administration, \$15,000,000: *Provided*, That of the total amount provided under this paragraph, not less than \$13,000,000 shall be made available under the heading “Housing Personnel Compensation and Benefits” and up to \$2,000,000 shall be made available under the heading “Management and Administration, Administration, Operations and Management”: *Provided further*, That with funding provided under this paragraph, the Federal Housing Administration Commissioner is hereby authorized to take such actions and perform such functions as necessary regarding the hiring of personnel for performing functions of the Federal Housing Administration within the Office of Housing.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1901. Section 5309(g)(4)(A) of title 49, United States Code, is amended by striking “or an amount equivalent to the last 3 fiscal years of funding allocated under subsections (m)(1)(A) and (m)(2)(A)(ii)” and inserting “or the sum of the funds available for the next three fiscal years beyond the current fiscal year, assuming an annual growth of the program of 10 percent”.

SEC. 1902. No funds provided in this Act or any other Act may be used by the Secretary of Transportation

1 to take any action regarding airline operations at any
2 United States commercial airport that involves:

3 (1) auction, sale, lease, or the imposition of any
4 charge or fee, by the Secretary or the Federal Avia-
5 tion Administrator, for rights, authorization or per-
6 mission by them to conduct flight operations at, or
7 in the navigable airspace of, any such airport;

8 (2) implementing or facilitating any such auc-
9 tion, sale or lease, or the imposition of any such
10 charge or fee by the Secretary or the Administrator
11 initiated prior to enactment of this Act; or

12 (3) the withdrawal or involuntary transfer by
13 the Secretary or Administrator of rights, authoriza-
14 tions or permissions to operate at, or in the navi-
15 gable airspace of, any such airport for the purpose
16 of the auction, sale or lease of such rights, author-
17 izations or permissions, or the imposition by the Sec-
18 retary or Administrator of any charge or fee for
19 such rights, authorization or permission.

20 SEC. 1903. (a) SURVEY.—Not later than 60 days
21 after the date of enactment of this Act, the Secretary of
22 Commerce shall conduct a survey to estimate, for any area
23 for which the President declared a major disaster (as de-
24 fined in section 102 of the Robert T. Stafford Disaster
25 Relief and Emergency Assistance Act (42 U.S.C. 5122))

1 during 2008, the total economic output lost, Federal as-
 2 sistance provided, and economic revitalization funds need-
 3 ed to recover from the major disaster. The Secretary of
 4 Commerce shall provide information obtained from the
 5 survey under this paragraph to the Governors of affected
 6 States and the Secretary of Housing and Urban Develop-
 7 ment.

8 (b) FUNDS.—The Secretary of Housing and Urban
 9 Development shall use information provided under sub-
 10 section (a) in allocating funds provided under the heading
 11 “Community Planning and Development, Community De-
 12 velopment Fund” in Public Law 110–329.

13 **TITLE II—NUTRITION PRO-** 14 **GRAMS FOR ECONOMIC STIM-** 15 **ULUS**

16 **SEC. 2001. NUTRITION PROGRAMS FOR ECONOMIC STIM-** 17 **ULUS.**

18 (a) MAXIMUM BENEFIT INCREASE.—

19 (1) IN GENERAL.—Beginning with the first
 20 month that begins not less than 25 days after the
 21 date of enactment of this Act, the Secretary of Agri-
 22 culture (referred to in this section as the “Sec-
 23 retary”) shall increase the cost of the thrifty food
 24 plan for purposes of section 8(a) of the Food and

1 Nutrition Act of 2008 (7 U.S.C. 2017(a)) by 10 per-
 2 cent.

3 (2) TERMINATION OF EFFECTIVENESS.—The
 4 authority provided by this subsection terminates and
 5 has no effect, effective on October 1, 2009.

6 (b) REQUIREMENTS FOR THE SECRETARY.—In car-
 7 rying out this section, the Secretary shall—

8 (1) consider the benefit increase described in
 9 subsection (a) to be a “mass change”;

10 (2) require a simple process for States to notify
 11 households of the increase in benefits;

12 (3) consider section 16(c)(3)(A) of the Food
 13 and Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A))
 14 to apply to any errors in the implementation of this
 15 section, without regard to the 120-day limit de-
 16 scribed in that section; and

17 (4) disregard the value of benefits resulting
 18 from this section in any required calculations or esti-
 19 mates of benefits if the Secretary determines it is
 20 necessary to ensure efficient administration of pro-
 21 grams authorized under the Food and Nutrition Act
 22 of 2008 (7 U.S.C. 2011 et seq.) or other Federal
 23 programs.

24 (c) STATE ADMINISTRATIVE EXPENSES.—

1 (1) IN GENERAL.—For the costs of State ad-
 2 ministrative expenses associated with carrying out
 3 this section, the Secretary shall make available
 4 \$50,000,000, to remain available until expended.

5 (2) AVAILABILITY OF FUNDS.—Funds described
 6 in paragraph (1) shall be made available to State
 7 agencies based on each State’s share of households
 8 that participate in the supplemental nutrition assist-
 9 ance program established under the Food and Nutri-
 10 tion Act of 2008 (7 U.S.C. 2011 et seq.).

11 (3) CONSOLIDATED BLOCK GRANTS FOR PUER-
 12 TO RICO AND AMERICAN SAMOA.—For fiscal year
 13 2009, the Secretary shall increase by 10 percent the
 14 amount available for nutrition assistance for eligible
 15 households under the consolidated block grants for
 16 Puerto Rico and American Samoa under section 19
 17 of the Food and Nutrition Act of 2008 (7 U.S.C.
 18 2028).

19 (d) FUNDING.—There are hereby appropriated to the
 20 Secretary such sums as are necessary to carry out this
 21 section, to remain available until September 30, 2010.

22 **TITLE III—STATE FISCAL RELIEF**

23 **SEC. 3001. TEMPORARY INCREASE OF MEDICAID FMAP.**

24 (a) PERMITTING MAINTENANCE OF FISCAL YEAR
 25 2008 FMAP FOR FISCAL YEAR 2009.—Subject to sub-

1 sections (d), (e), and (f), if the FMAP determined without
 2 regard to this section for a State for fiscal year 2009 is
 3 less than the FMAP as so determined for fiscal year 2008,
 4 the FMAP for the State for fiscal year 2008 shall be sub-
 5 stituted for the State's FMAP for fiscal year 2009, before
 6 the application of this section.

7 (b) PERMITTING MAINTENANCE OF FISCAL YEAR
 8 2009 FMAP FOR FIRST QUARTER OF FISCAL YEAR
 9 2010.—Subject to subsections (d), (e), and (f), if the
 10 FMAP determined without regard to this section for a
 11 State for fiscal year 2010 is less than the FMAP as so
 12 determined for fiscal year 2009, the FMAP for the State
 13 for fiscal year 2009 shall be substituted for the State's
 14 FMAP for the first calendar quarter of fiscal year 2010,
 15 before the application of this section.

16 (c) GENERAL 8 PERCENTAGE POINTS INCREASE FOR
 17 FISCAL YEAR 2009 AND FIRST CALENDAR QUARTER OF
 18 FISCAL YEAR 2010.—

19 (1) IN GENERAL.—Subject to subsections (d),
 20 (e), and (f), for each State for fiscal year 2009 and
 21 for the first calendar quarter of fiscal year 2010, the
 22 FMAP (taking into account the application of sub-
 23 sections (a) and (b)) shall be increased by 8.0 per-
 24 centage points.

1 (2) INCREASE IN CAP ON MEDICAID PAYMENTS
 2 TO TERRITORIES.—Subject to subsections (e) and
 3 (f), with respect to fiscal year 2009 and the first cal-
 4 endar quarter of fiscal year 2010, the amounts oth-
 5 erwise determined for Puerto Rico, the Virgin Is-
 6 lands, Guam, the Northern Mariana Islands, and
 7 American Samoa under subsections (f) and (g) of
 8 section 1108 of the Social Security Act (42 U.S.C.
 9 1308) shall each be increased by an amount equal
 10 to 8.0 percent of such amounts.

11 (d) SCOPE OF APPLICATION.—The increases in the
 12 FMAP for a State under this section shall apply only for
 13 purposes of title XIX of the Social Security Act and shall
 14 not apply with respect to—

15 (1) disproportionate share hospital payments
 16 described in section 1923 of such Act (42 U.S.C.
 17 1396r–4);

18 (2) payments under title IV or XXI of such Act
 19 (42 U.S.C. 601 et seq. and 1397aa et seq.); or

20 (3) any payments under title XIX of such Act
 21 that are based on the enhanced FMAP described in
 22 section 2105(b) of such Act (42 U.S.C. 1397ee(b)).

23 (e) STATE INELIGIBILITY.—

24 (1) IN GENERAL.—Subject to paragraph (2), a
 25 State is not eligible for an increase in its FMAP

1 under subsection (c)(1), or an increase in a cap
 2 amount under subsection (c)(2), if the eligibility
 3 under its State plan under title XIX of the Social
 4 Security Act (including any waiver under such title
 5 or under section 1115 of such Act (42 U.S.C.
 6 1315)) is more restrictive than the eligibility under
 7 such plan (or waiver) as in effect on September 1,
 8 2008.

9 (2) STATE REINSTATEMENT OF ELIGIBILITY
 10 PERMITTED.—A State that has restricted eligibility
 11 under its State plan under title XIX of the Social
 12 Security Act (including any waiver under such title
 13 or under section 1115 of such Act (42 U.S.C.
 14 1315)) after September 1, 2008, is no longer ineli-
 15 gible under paragraph (1) beginning with the first
 16 calendar quarter in which the State has reinstated
 17 eligibility that is no more restrictive than the eligi-
 18 bility under such plan (or waiver) as in effect on
 19 September 1, 2008.

20 (3) RULE OF CONSTRUCTION.—Nothing in
 21 paragraph (1) or (2) shall be construed as affecting
 22 a State’s flexibility with respect to benefits offered
 23 under the State Medicaid program under title XIX
 24 of the Social Security Act (42 U.S.C. 1396 et seq.)

(including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)).

(f) REQUIREMENTS.—

(1) IN GENERAL.—A State may not use the additional Federal funds paid to the State as a result of this section for purposes of increasing any reserve or rainy day fund maintained by the State.

(2) ADDITIONAL REQUIREMENT FOR CERTAIN STATES.—In the case of a State that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures under the State Medicaid plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the State is not eligible for an increase in its FMAP under subsection (c)(1), or an increase in a cap amount under subsection (c)(2), if it requires that such political subdivisions pay a greater percentage of the non-Federal share of such expenditures for fiscal year 2009, and the first calendar quarter of fiscal year 2010, than the percentage that would have been required by the State under such plan on September 1, 2008, prior to application of this section.

(g) DEFINITIONS.—In this section:

1 (1) FMAP.—The term “FMAP” means the
 2 Federal medical assistance percentage, as defined in
 3 section 1905(b) of the Social Security Act (42
 4 U.S.C. 1396d(b)).

5 (2) STATE.—The term “State” has the mean-
 6 ing given such term for purposes of title XIX of the
 7 Social Security Act (42 U.S.C. 1396 et seq.).

8 (h) REPEAL.—Effective as of January 1, 2010, this
 9 section is repealed.

10 **SEC. 3002. TEMPORARY REINSTATEMENT OF AUTHORITY**
 11 **TO PROVIDE FEDERAL MATCHING PAYMENTS**
 12 **FOR STATE SPENDING OF CHILD SUPPORT**
 13 **INCENTIVE PAYMENTS.**

14 During the period that begins on October 1, 2008,
 15 and ends on September 30, 2010, section 455(a)(1) of the
 16 Social Security Act (42 U.S.C. 655(a)(1)) shall be applied
 17 without regard to the amendment made by section
 18 7309(a) of the Deficit Reduction Act of 2005 (Public Law
 19 109–171, 120 Stat. 147).

**TITLE IV—UNEMPLOYMENT
INSURANCE**

**SEC. 4001. EMERGENCY UNEMPLOYMENT COMPENSATION
PROGRAM.**

(a) **ADDITIONAL FIRST-TIER BENEFITS.**—Section 4002(b)(1) of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note) is amended—

(1) in subparagraph (A), by striking “50” and inserting “80”; and

(2) in subparagraph (B), by striking “13” and inserting “20”.

(b) **SECOND-TIER BENEFITS.**—Section 4002 of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note) is amended by adding at the end the following:

“(c) **SPECIAL RULE.**—

“(1) **IN GENERAL.**—If, at the time that the amount established in an individual’s account under subsection (b)(1) is exhausted or at any time thereafter, such individual’s State is in an extended benefit period (as determined under paragraph (2)), such account shall be augmented by an amount equal to the lesser of—

“(A) 50 percent of the total amount of regular compensation (including dependents’ al-

1 lowances) payable to the individual during the
 2 individual's benefit year under the State law, or

3 “(B) 13 times the individual's average
 4 weekly benefit amount (as determined under
 5 subsection (b)(2)) for the benefit year.

6 “(2) EXTENDED BENEFIT PERIOD.—For pur-
 7 poses of paragraph (1), a State shall be considered
 8 to be in an extended benefit period, as of any given
 9 time, if—

10 “(A) such a period is then in effect for
 11 such State under the Federal-State Extended
 12 Unemployment Compensation Act of 1970;

13 “(B) such a period would then be in effect
 14 for such State under such Act if section 203(d)
 15 of such Act—

16 “(i) were applied by substituting ‘4’
 17 for ‘5’ each place it appears; and

18 “(ii) did not include the requirement
 19 under paragraph (1)(A) thereof; or

20 “(C) such a period would then be in effect
 21 for such State under such Act if—

22 “(i) section 203(f) of such Act were
 23 applied to such State (regardless of wheth-
 24 er the State by law had provided for such
 25 application); and

1 “(ii) such section 203(f)—

2 “(I) were applied by substituting
3 ‘6.0’ for ‘6.5’ in paragraph (1)(A)(i)
4 thereof; and

5 “(II) did not include the require-
6 ment under paragraph (1)(A)(ii)
7 thereof.

8 “(3) LIMITATION.—The account of an indi-
9 vidual may be augmented not more than once under
10 this subsection.”.

11 (c) PHASEOUT PROVISIONS.—Section 4007(b) of the
12 Supplemental Appropriations Act, 2008 (26 U.S.C. 3304
13 note) is amended—

14 (1) in paragraph (1), by striking “paragraph
15 (2),” and inserting “paragraphs (2) and (3),”; and
16 (2) by striking paragraph (2) and inserting the
17 following:

18 “(2) NO AUGMENTATION AFTER MARCH 31,
19 2009.—If the amount established in an individual’s
20 account under subsection (b)(1) is exhausted after
21 March 31, 2009, then section 4002(c) shall not
22 apply and such account shall not be augmented
23 under such section, regardless of whether such indi-
24 vidual’s State is in an extended benefit period (as
25 determined under paragraph (2) of such section).

1 “(3) TERMINATION.—No compensation under
2 this title shall be payable for any week beginning
3 after November 27, 2009.”.

4 (d) EFFECTIVE DATE.—

5 (1) IN GENERAL.—The amendments made by
6 this section shall apply as if included in the enact-
7 ment of the Supplemental Appropriations Act, 2008,
8 subject to paragraph (2).

9 (2) ADDITIONAL BENEFITS.—In applying the
10 amendments made by subsections (a) and (b), any
11 additional emergency unemployment compensation
12 made payable by such amendments (which would not
13 otherwise have been payable if such amendments
14 had not been enacted) shall be payable only with re-
15 spect to any week of unemployment beginning on or
16 after the date of the enactment of this Act.

17 **SEC. 4002. TEMPORARY FEDERAL MATCHING FOR THE**
18 **FIRST WEEK OF EXTENDED BENEFITS FOR**
19 **STATES WITH NO WAITING WEEK.**

20 With respect to weeks of unemployment beginning
21 after the date of enactment of this Act and ending on or
22 before December 8, 2009, subparagraph (B) of section
23 204(a)(2) of the Federal-State Extended Unemployment
24 Compensation Act of 1970 (26 U.S.C. 3304 note) shall
25 not apply.

TITLE V—NATIONAL PARK CENTENNIAL FUND ACT

SECTION 5001. SHORT TITLE.

This Act may be cited as the “National Park Centennial Fund Act”.

SEC. 5002. DEFINITIONS.

In this Act:

(1) **FUND.**—The term “Fund” means the National Park Centennial Fund established under section 5003.

(2) **IN-KIND.**—The term “in-kind” means the fair market value of non-cash contributions provided by non-Federal partners, which may be in the form of real property, equipment, supplies and other expendable property, as well as other goods and services.

(3) **PROJECT OR PROGRAM.**—The term “Project or program” means a National Park Centennial Project or Program funded pursuant to this Act.

(4) **PROPOSAL.**—The term “Proposal” means a National Park Centennial Proposal submitted pursuant to section 5004.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

1 **SEC. 5003. NATIONAL PARK CENTENNIAL FUND.**

2 (a) IN GENERAL.—There is established in the Treas-
3 ury of the United States a fund which shall be known as
4 the “National Park Centennial Fund”. In each of fiscal
5 years 2009 through 2018, the Secretary of the Treasury
6 shall deposit into the Fund the following:

7 (1) Cash donations received by the National
8 Park Service in support of projects or programs au-
9 thorized by this Act.

10 (2) From the General Fund, an amount equiva-
11 lent to—

12 (A) the amount described in paragraph
13 (1), excluding donations pledged through a let-
14 ter of credit in a prior year; and

15 (B) the amount of donations pledged
16 through letters of credit in the same fiscal year.

17 (b) LIMITATION ON AMOUNT.—The total amount of
18 deposits from the General Fund under subsection (a)(2)
19 shall not exceed, in the aggregate, \$1,000,000,000 for fis-
20 cal years 2009 through 2018.

21 **SEC. 5004. PROGRAM ALLOCATION.**

22 (a) IN GENERAL.—Each fiscal year, the President’s
23 annual budget submission for the Department of the Inte-
24 rior shall include a list of proposals which shall be known
25 as National Park Centennial Proposals. The Secretary
26 shall establish a standard process for developing the list

1 that shall encourage input from both the public and a
2 broad cross-section of employees at every level of the Na-
3 tional Park Service. The list—

4 (1) shall include proposals having an aggregate
5 cost to the Federal Government equal to the unobli-
6 gated amount in the Fund;

7 (2) shall include only proposals consistent with
8 National Park Service policies and adopted park
9 planning documents;

10 (3) may include proposals for any area within
11 the national park system (as that term is defined in
12 section 2 of the Act of August 8, 1953 (16 U.S.C.
13 1c)), clusters of areas within such system, a region
14 or regions of such system, or such system in its en-
15 tirety;

16 (4) shall cumulatively represent a nationwide
17 array of proposals that is diverse geographically, in
18 size, scope, magnitude, theme, and variety under the
19 initiatives described in subsection (b);

20 (5) shall give priority to proposals dem-
21 onstrating long-term viability beyond receipts from
22 the Fund;

23 (6) shall include only proposals meeting the re-
24 quirements of one or more of the initiatives set forth
25 in subsection (b);

1 (7) should contain proposals under each of the
2 initiatives set forth in subsection (b); and

3 (8) shall give priority to proposals with com-
4 mitted, non-Federal support but shall also include
5 proposals funded entirely by the Fund.

6 (b) NATIONAL PARK CENTENNIAL INITIATIVES.—
7 The requirements referred to in subsection (a)(6) are as
8 follows:

9 (1) EDUCATION IN PARKS CENTENNIAL INITIA-
10 TIVE.—Proposals for the “Education in Parks Cen-
11 tennial Initiative” shall meet the following require-
12 ments:

13 (A) Priority shall be given to proposals de-
14 signed to increase National Park-based edu-
15 cational opportunities for elementary, secondary
16 and college students particularly those from
17 populations historically under represented
18 among visitors to the National Park System.

19 (B) Priority shall be given to proposals de-
20 signed to bring students into the National Park
21 System in person.

22 (C) Proposals should include strategies for
23 encouraging young people to become lifelong
24 advocates for National Parks.

1 (D) Proposals shall be developed in con-
2 sultation with the leadership of educational and
3 youth organizations expected to participate in
4 the proposed initiative.

5 (2) DIVERSITY IN PARKS CENTENNIAL INITIA-
6 TIVE.—

7 (A) STUDY.—Not later than 1 year after
8 the date of the enactment of this Act, the Sec-
9 retary shall submit to the Committee on Nat-
10 ural Resources of the House of Representatives
11 and the Committee on Energy and Natural Re-
12 sources of the Senate a report detailing a serv-
13 ice-wide strategy for increasing diversity among
14 National Park Service employees at all levels
15 and visitors to the National Park System.

16 (B) PROPOSALS.—Proposals for the “Di-
17 versity in Parks Centennial Initiative” shall
18 meet the following requirements:

19 (i) Each proposal shall be based on
20 recommendations contained in the report
21 required in subparagraph (A).

22 (ii) Each proposal shall be designed to
23 make National Park Service employees,
24 visitors to the National Park System, or

1 both, reflect the diversity of the population
2 of the United States.

3 (3) SUPPORTING PARK PROFESSIONALS CEN-
4 TENNIAL INITIATIVE.—Proposals for the “Sup-
5 porting Park Professionals Centennial Initiative”
6 shall meet the following requirements:

7 (A) Taken as a whole, proposals shall pro-
8 vide specific opportunities for National Park
9 Service employees, at all levels, to participate in
10 professional career development.

11 (B) Proposals may include National Park
12 Service-designed, internal professional develop-
13 ment programs.

14 (C) Proposals may also be designed to fa-
15 cilitate participation in external professional de-
16 velopment programs or established courses of
17 study by National Park Service employees.

18 (4) ENVIRONMENTAL LEADERSHIP CENTEN-
19 NIAL INITIATIVE.—Proposals for the “Environ-
20 mental Leadership Centennial Initiative” shall meet
21 the following requirements:

22 (A) Each proposal shall be designed to do
23 one or more of the following:

24 (i) Reduce harmful emissions.

1 (ii) Conserve energy or water re-
2 sources.

3 (iii) Reduce solid waste production
4 within the National Park System.

5 (B) Each proposal shall include strategies
6 for educating the public regarding Environ-
7 mental Leadership projects and their results.

8 (C) Priority shall be given to proposals
9 with the potential to spread technological ad-
10 vances to other Federal agencies or to the pri-
11 vate sector.

12 (5) NATURAL RESOURCE PROTECTION CENTEN-
13 NIAL INITIATIVE.—Proposals for the “Natural Re-
14 source Protection Centennial Initiative” shall meet
15 the following requirements:

16 (A) Each proposal shall be designed to re-
17 store or conserve native ecosystems within the
18 National Park System.

19 (B) Priority shall be given to proposals de-
20 signed to control invasive species.

21 (C) Each proposal shall be based on the
22 best available scientific information.

23 (6) CULTURAL RESOURCE PROTECTION CEN-
24 TENNIAL INITIATIVE.—Proposals for the “Cultural
25 Resource Protection Centennial Initiative” shall—

1 (A) either—

2 (i) increase the National Park Serv-
 3 ice’s knowledge of cultural resources lo-
 4 cated within the National Park System
 5 through means including, but not limited
 6 to, surveys, studies, mapping, and docu-
 7 mentation of such resources; or

8 (ii) improve the condition of docu-
 9 mented cultural resources within the Na-
 10 tional Park System;

11 (B) incorporate the best available scientific
 12 information; and

13 (C) where appropriate, be developed in
 14 consultation with Native American tribes, State
 15 historic preservation offices, or other organiza-
 16 tions with cultural resource preservation exper-
 17 tise.

18 (7) HEALTH AND FITNESS IN PARKS CENTEN-
 19 NIAL INITIATIVE.—

20 (A) IN GENERAL.—Proposals for the
 21 “Health and Fitness in Parks Centennial Ini-
 22 tiative” shall fall into one or more of the fol-
 23 lowing four categories:

24 (i) Proposals designed to repair, reha-
 25 bilitate, or otherwise improve infrastruc-

1 ture, including trails, that facilitates
2 healthy outdoor activity within the Na-
3 tional Park System.

4 (ii) Proposals designed to expand op-
5 portunities for access to the National Park
6 System for visitors with disabilities.

7 (iii) Proposals to develop and imple-
8 ment management plans (such as climbing
9 plans and trail system plans) for activities
10 designed to increase the health and fitness
11 of visitors to the National Park System.

12 (iv) Proposals to develop outreach
13 programs and media that provide public
14 information regarding health and fitness
15 opportunities within the National Park
16 System.

17 (B) MISCELLANEOUS REQUIREMENTS.—

18 All proposals for “the Health and Fitness in
19 Parks Centennial Initiative” shall—

20 (i) be consistent with National Park
21 Service policies and adopted park planning
22 documents; and

23 (ii) be designed to provide for visitor
24 enjoyment in such a way as to leave the

1 National Park System unimpaired for fu-
2 ture generations.

3 (c) FUNDING.—In each of fiscal years 2009 through
4 2018, unobligated amounts in the Fund shall be available
5 without further appropriation for projects authorized by
6 this Act, but may not be obligated or expended until 120
7 days after the annual submission of the list of proposals
8 required under this section to allow for Congressional re-
9 view.

10 (d) LIMITATION ON DISTRIBUTION OF FUNDS.—No
11 more than 50 percent of amounts available from the Fund
12 for any fiscal year may be spent on projects that are for
13 the construction of facilities that cost in excess of
14 \$5,000,000.

15 **SEC. 5005. PARTNERSHIPS.**

16 (a) DONATIONS.—The Secretary may actively en-
17 courage and facilitate participation in proposals from non-
18 Federal and philanthropic partners, and may accept dona-
19 tions, both monetary and in-kind for any Project or Pro-
20 gram pursuant to section 1 of the Act of June 5, 1920
21 (16 U.S.C. 6), and other authorities to accept donations
22 existing on the date of enactment of this Act.

23 (b) TERMS AND CONDITIONS.—To the extent that
24 private organizations or individuals are to participate in
25 or contribute to any Project or Program, the terms and

1 conditions of that participation or contribution as well as
2 all actions of employees of the National Park Service, shall
3 be governed by National Park Service Directors Order
4 #21, “Donations and Fundraising”, as in force on the
5 date of the enactment of this Act.

6 **SEC. 5006. MAINTENANCE OF EFFORT.**

7 Amounts made available from the Fund shall supple-
8 ment rather than replace annual expenditures by the Na-
9 tional Park Service, including authorized expenditures
10 from the Land and Water Conservation Fund and the Na-
11 tional Park Service Line Item Construction Program. The
12 National Park Service shall maintain adequate, permanent
13 staffing levels and permanent staff shall not be replaced
14 with nonpermanent employees hired to carry out this Act
15 or Projects or Programs carried out with funds provided
16 under this Act.

17 **SEC. 5007. REPORTS.**

18 For each fiscal year beginning in fiscal year 2009,
19 the Secretary shall submit to Congress a report that in-
20 cludes the following:

- 21 (1) A detailed accounting of all expenditures
22 from the Fund divided by categories of proposals
23 under section 4(b), including a detailed accounting
24 of any private contributions, either in funds or in
25 kind, to any Project or Program.

1 (2) A cumulative summary of the results of the
 2 National Park Centennial program including rec-
 3 ommendations for revisions to the program.

4 (3) A statement of whether the National Park
 5 Service has maintained adequate, permanent staffing
 6 levels and what nonpermanent and permanent staff
 7 have been hired to carry out this Act or Projects or
 8 Programs carried out with funds provided under this
 9 Act.

10 **TITLE VI—AUTOMOTIVE** 11 **INDUSTRY ASSISTANCE**

12 **SECTION 6001. DIRECT LOAN PROVISIONS.**

13 (a) IN GENERAL.—The Emergency Economic Sta-
 14 bilization Act of 2008 (division A of Public Law 110–343)
 15 is amended by adding at the end the following:

16 **“TITLE IV—DIRECT BRIDGE** 17 **LOAN PROVISIONS**

18 **“SEC. 401. FINDINGS.**

19 “Congress finds that extraordinary and exigent cir-
 20 cumstances have prevented the automobile industry from
 21 securing essential credit and liquidity from other sources
 22 and that the failure of the automobile industry to obtain
 23 such credit and liquidity will have a systemic adverse ef-
 24 fect on the economy.

1 **“SEC. 402. PURPOSES.**

2 “The purposes of this title are—

3 “(1) to clarify that authority and facilities are
4 available to be used immediately by the Secretary to
5 restore liquidity and stability to the automobile in-
6 dustry in the United States;

7 “(2) to ensure that such authority and such fa-
8 cilities are used in a manner that—

9 “(A) stimulates manufacturing and sales
10 of automobiles produced by automobile manu-
11 facturers in the United States;

12 “(B) enhances the ability and the capacity
13 of the domestic automobile industry to pursue
14 the timely and aggressive production of energy-
15 efficient advanced technology vehicles;

16 “(C) preserves and promotes the jobs of
17 355,000 workers in the United States directly
18 employed by the automobile industry and an
19 additional 4,500,000 workers in the United
20 States employed in related industries; and

21 “(D) safeguards the ability of the domestic
22 automobile industry to provide retirement and
23 health care benefits for 1,000,000 retirees and
24 their spouses and dependents; and

25 “(3) to reaffirm the purposes of section 2,
26 which include providing the Secretary with broad au-

1 thority to restore liquidity and stability to financial
2 institutions, including automobile finance companies.

3 **“SEC. 403. EMERGENCY DIRECT LOAN PROGRAM.**

4 “(a) IN GENERAL.—The Secretary shall make loans
5 in an aggregate amount equal to \$25,000,000,000, to any
6 automobile manufacturer or component supplier that
7 has—

8 “(1) submitted an application for a loan under
9 this title that includes a statement of need for Gov-
10 ernment funding under this title to prevent a sys-
11 temic adverse effect on the United States economy;

12 “(2) operated 2 or more manufacturing facili-
13 ties for the purposes of producing automobiles or
14 automobile components in the United States
15 throughout the 25-year period ending on the date of
16 enactment of this title; and

17 “(3) operations in the United States the failure
18 of which would have a systemic adverse effect on the
19 overall United States economy, as determined by the
20 Secretary.

21 “(b) ALLOCATION.—In allocating loan amounts
22 under this title, the Secretary shall prioritize applications
23 based on the magnitude of the impact of the manufac-
24 turing operations of the applicant in the United States on
25 the overall economy of the United States and other seg-

1 ments of the automobile industry, including the impact on
2 levels of employment, domestic manufacturing of auto-
3 mobiles and automobile components, and automobile deal-
4 erships.

5 “(c) PLAN FOR LONG-TERM FINANCIAL VIABIL-
6 ITY.—At the time of application for a loan under this title,
7 an automobile manufacturer or component supplier shall
8 submit to the Secretary a detailed plan on how the Gov-
9 ernment funds requested will be utilized to ensure the
10 long-term financial posture of the company, and how such
11 funds will stimulate automobile production in the United
12 States and improve the capacity of the company to pursue
13 the timely and aggressive production of energy-efficient
14 advanced technology vehicles.

15 “(d) AUTHORITY TO ISSUE STOCK.—At the discre-
16 tion of the Secretary, the automobile manufacturer or
17 component supplier may issue preferred stock in lieu of
18 a loan, on analogous terms and conditions as those de-
19 scribed for loans under this title.

20 **“SEC. 404. FUNDING FROM THIRD TRANCHE; TREATMENT**
21 **OF LOAN AMOUNTS.**

22 “The costs incurred by the Federal Government in
23 making loans under this title, including credit subsidy
24 costs and administrative expenses, shall be covered out of
25 the funds made available to the Secretary generally under

1 section 118 and, specifically, not from funds which are de-
 2 scribed in paragraph (1) or (2) of section 115(a), but with
 3 respect to the availability of which the reporting and pro-
 4 cedural requirements contained in paragraph (3) of such
 5 section and section 115(c) shall not apply.

6 **“SEC. 405. TIMING OF DISBURSEMENTS.**

7 “(a) APPLICATIONS.—On and after the date that is
 8 3 days after the date of enactment of this title, the Sec-
 9 retary shall accept applications for loans under this title.

10 “(b) DETERMINATION OF ELIGIBILITY.—Not later
 11 than 15 days after the date on which the Secretary re-
 12 ceives an application for a loan under subsection (a), the
 13 Secretary shall make a determination regarding the eligi-
 14 bility of the applicant, based on whether the applicant
 15 meets the requirements of section 403(a).

16 “(c) DISBURSEMENT.—The Secretary shall begin dis-
 17 bursement of the proceeds of a loan under this title to
 18 an eligible applicant not later than 7 days after the date
 19 on which the Secretary receives a disbursal request from
 20 the applicant, upon a determination of the Secretary that
 21 the applicant is eligible under subsection (b).

22 **“SEC. 406. TERMS AND CONDITIONS.**

23 “(a) TERM TO MATURITY.—The term to maturity of
 24 any loan made under this title shall be 10 years, or such

1 longer period as the Secretary may determine with respect
2 to such loan.

3 “(b) RATE OF INTEREST.—The annual rate of inter-
4 est for a loan under this title shall be—

5 “(1) 5 percent during the 5-year period begin-
6 ning on the date on which the Secretary disburses
7 the loan; and

8 “(2) 9 percent after the end of the period de-
9 scribed in paragraph (1).

10 “(c) WARRANTS AND DEBT INSTRUMENTS.—The
11 Secretary may not make a loan under this title unless the
12 Secretary receives from the automobile manufacturer or
13 component supplier a warrant or senior debt instrument
14 made in accordance with the requirements for a warrant
15 or senior debt instrument by a financial institution under
16 section 113(d).

17 “(d) NO PREPAYMENT PENALTY.—A loan made
18 under this title shall be prepayable without penalty at any
19 time.

20 “(e) EXECUTIVE COMPENSATION.—

21 “(1) STANDARDS REQUIRED.—The Secretary
22 shall require any recipient of a loan under this title
23 to meet appropriate standards for executive com-
24 pensation and corporate governance.

1 “(2) SPECIFIC REQUIREMENTS.—The standards
2 established under paragraph (1) shall include the
3 following:

4 “(A) Limits on compensation that exclude
5 incentives for senior executive officers of a re-
6 cipient of a loan under this title to take unnec-
7 essary and excessive risks that threaten the
8 value of such recipient during the period that
9 the loan is outstanding.

10 “(B) A provision for the recovery by such
11 recipient of any bonus or incentive compensa-
12 tion paid to a senior executive officer based on
13 statements of earnings, gains, or other criteria
14 that are later found to be materially inaccurate.

15 “(C) A prohibition on such recipient mak-
16 ing any golden parachute payment to a senior
17 executive officer during the period that the loan
18 under this title is outstanding.

19 “(D) A prohibition on such recipient pay-
20 ing or accruing any bonus or incentive com-
21 pensation during the period that the loan is
22 outstanding to any executive whose annual base
23 compensation exceeds \$250,000 (which amount
24 shall be adjusted by the Secretary for inflation).

1 “(E) A prohibition on any compensation
2 plan that could encourage manipulation of the
3 reported earnings of the recipient to enhance
4 the compensation of any of its employees.

5 “(3) DEFINITIONS.—For purposes of this sub-
6 section, the following definitions shall apply:

7 “(A) SENIOR EXECUTIVE OFFICER.—The
8 term ‘senior executive officer’ means an indi-
9 vidual who is 1 of the top 5 most highly paid
10 executives of a public company, whose com-
11 pensation is required to be disclosed pursuant
12 to the Securities Exchange Act of 1934, and
13 any regulations issued thereunder, and non-
14 public company counterparts.

15 “(B) GOLDEN PARACHUTE PAYMENT.—
16 The term ‘golden parachute payment’ means
17 any payment to a senior executive officer for
18 departure from a company for any reason.

19 “(f) PROHIBITION ON PAYMENT OF DIVIDENDS.—No
20 common stock dividends may be paid by any recipient of
21 a loan under this title for the duration of the loan.

22 “(g) OTHER INTERESTS SUBORDINATED.—Any obli-
23 gation or liability of a recipient of a loan under this title
24 to any person shall be subordinate to the liability and obli-
25 gation of the recipient for such loan.

1 **“SEC. 407. OVERSIGHT.**

2 “(a) IN GENERAL.—The provisions of sections 105,
3 116, 121, and 125 shall apply with respect to any loans
4 made under this title, to the extent possible, in the same
5 manner and to the same extent as such sections apply to
6 transactions made under the authority of title I.”.

7 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

8 (1) TABLE OF CONTENTS.—The table of con-
9 tents in section 1(b) of the Emergency Economic
10 Stabilization Act of 2008 (division A of Public Law
11 110–343) is amended—

12 (A) by inserting after the item relating to
13 section 3 the following new item:

“Sec. 4. References.”

14 ; and

15 (B) by adding at the end the following:

“TITLE IV—DIRECT BRIDGE LOAN PROVISIONS

“Sec. 401. Findings.

“Sec. 402. Purposes.

“Sec. 403. Emergency direct loan program.

“Sec. 404. Funding from third tranche; treatment of loan amounts.

“Sec. 405. Timing of disbursements.

“Sec. 406. Terms and conditions.

“Sec. 407. Oversight.”

16 ; and

17 (2) REFERENCES.—The Emergency Economic
18 Stabilization Act of 2008 (division A of Public Law
19 110–343) is amended by inserting after section 3
20 the following new section:

1 **“SEC. 4. REFERENCES.**

2 “Any reference—

3 “(1) in this division to ‘this Act’ or any subdivi-
4 sion thereof is a reference to this division A or any
5 subdivision thereof;

6 “(2) in division (B) to ‘this Act’ or any subdivi-
7 sion thereof is a reference to division B or any sub-
8 division thereof; and

9 “(3) in division (C) to ‘this Act’ or any subdivi-
10 sion thereof is a reference to division C or any sub-
11 division thereof.”.

12 **TITLE VII—AUTO SALES TAX**
13 **DEDUCTIONS**

14 **SECTION 7001. ABOVE-THE-LINE DEDUCTION FOR INTER-**
15 **EST ON INDEBTEDNESS WITH RESPECT TO**
16 **THE PURCHASE OF CERTAIN MOTOR VEHI-**
17 **CLES.**

18 (a) IN GENERAL.—Paragraph (2) of section 163(h)
19 of the Internal Revenue Code of 1986 is amended—

20 (1) by striking “and” at the end of subpara-
21 graph (E),

22 (2) by striking the period at the end of sub-
23 paragraph (F) and inserting “, and”, and

24 (3) by adding at the end the following new sub-
25 paragraph:

1 “(G) any qualified motor vehicle interest
2 (within the meaning of paragraph (5)).”.

3 (b) QUALIFIED MOTOR VEHICLE INTEREST.—Sec-
4 tion 163(h) of the Internal Revenue Code of 1986 is
5 amended by adding at the end the following new para-
6 graph:

7 “(5) QUALIFIED MOTOR VEHICLE INTEREST.—
8 For purposes of this subsection—

9 “(A) IN GENERAL.—The term ‘qualified
10 motor vehicle interest’ means any interest which
11 is paid or accrued during the taxable year on
12 any indebtedness which—

13 “(i) is incurred after November 12,
14 2008, and before January 1, 2010, in ac-
15 quiring any qualified motor vehicle of the
16 taxpayer, and

17 “(ii) is secured by such qualified
18 motor vehicle.

19 Such term also includes any indebtedness se-
20 cured by such qualified motor vehicle resulting
21 from the refinancing of indebtedness meeting
22 the requirements of the preceding sentence (or
23 this sentence); but only to the extent the
24 amount of the indebtedness resulting from such

1 refinancing does not exceed the amount of the
2 refinanced indebtedness.

3 “(B) DOLLAR LIMITATION.—The aggre-
4 gate amount of indebtedness treated as de-
5 scribed in subparagraph (A) for any period
6 shall not exceed \$49,500 (\$24,750 in the case
7 of a separate return by a married individual).

8 “(C) INCOME LIMITATION.—The amount
9 otherwise treated as interest under subpara-
10 graph (A) for any taxable year (after the appli-
11 cation of subparagraph (B)) shall be reduced
12 (but not below zero) by the amount which bears
13 the same ratio to the amount which is so treat-
14 ed as—

15 “(i) the excess (if any) of—

16 “(I) the taxpayer’s modified ad-
17 justed gross income for such taxable
18 year, over

19 “(II) \$125,000 (\$250,000 in the
20 case of a joint return), bears to

21 “(ii) \$10,000.

22 For purposes of the preceding sentence, the
23 term ‘modified adjusted gross income’ means
24 the adjusted gross income of the taxpayer for
25 the taxable year increased by any amount ex-

1 cluded from gross income under section 911,
2 931, or 933.

3 “(D) QUALIFIED MOTOR VEHICLE.—The
4 term ‘qualified motor vehicle’ means a pas-
5 senger automobile (within the meaning of sec-
6 tion 30B(h)(3)) or a light truck (within the
7 meaning of such section)—

8 “(i) which is acquired for use by the
9 taxpayer and not for resale after November
10 12, 2008, and before January 1, 2010,

11 “(ii) the original use of which com-
12 mences with the taxpayer, and

13 “(iii) which has a gross vehicle weight
14 rating of not more than 8,500 pounds.”.

15 (c) DEDUCTION ALLOWED ABOVE-THE-LINE.—Sec-
16 tion 62(a) of the Internal Revenue Code of 1986 is amend-
17 ed by inserting after paragraph (21) the following new
18 paragraph:

19 “(22) QUALIFIED MOTOR VEHICLE INTER-
20 EST.—The deduction allowed under section 163 by
21 reason of subsection (h)(2)(G) thereof.”.

22 (d) REPORTING OF QUALIFIED MOTOR VEHICLE IN-
23 TEREST.—

24 (1) IN GENERAL.—Subpart B of part III of
25 subchapter A of chapter 61 of the Internal Revenue

1 Code of 1986 is amended by adding at the end the
2 following new section:

3 **“SEC. 6050X. RETURNS RELATING TO QUALIFIED MOTOR**
4 **VEHICLE INTEREST RECEIVED IN TRADE OR**
5 **BUSINESS FROM INDIVIDUALS.**

6 “(a) QUALIFIED MOTOR VEHICLE INTEREST.—Any
7 person—

8 “(1) who is engaged in a trade or business, and

9 “(2) who, in the course of such trade or busi-
10 ness, receives from any individual interest aggre-
11 gating \$600 or more for any calendar year on any
12 indebtedness secured by a qualified motor vehicle (as
13 defined in section 163(h)(5)(D)),

14 shall make the return described in subsection (b) with re-
15 spect to each individual from whom such interest was re-
16 ceived at such time as the Secretary may by regulations
17 prescribe.

18 “(b) FORM AND MANNER OF RETURNS.—A return
19 is described in this subsection if such return—

20 “(1) is in such form as the Secretary may pre-
21 scribe,

22 “(2) contains—

23 “(A) the name and address of the indi-
24 vidual from whom the interest described in sub-
25 section (a)(2) was received,

1 “(B) the amount of such interest received
2 for the calendar year, and

3 “(C) such other information as the Sec-
4 retary may prescribe.

5 “(c) APPLICATION TO GOVERNMENTAL UNITS.—For
6 purposes of subsection (a)—

7 “(1) TREATED AS PERSONS.—The term ‘per-
8 son’ includes any governmental unit (and any agency
9 or instrumentality thereof).

10 “(2) SPECIAL RULES.—In the case of a govern-
11 mental unit or any agency or instrumentality there-
12 of—

13 “(A) subsection (a) shall be applied with-
14 out regard to the trade or business requirement
15 contained therein, and

16 “(B) any return required under subsection
17 (a) shall be made by the officer or employee ap-
18 propriately designated for the purpose of mak-
19 ing such return.

20 “(d) STATEMENTS TO BE FURNISHED TO INDIVID-
21 UALS WITH RESPECT TO WHOM INFORMATION IS RE-
22 QUIRED.—Every person required to make a return under
23 subsection (a) shall furnish to each individual whose name
24 is required to be set forth in such return a written state-
25 ment showing—

1 “(1) the name, address, and phone number of
2 the information contact of the person required to
3 make such return, and

4 “(2) the aggregate amount of interest described
5 in subsection (a)(2) received by the person required
6 to make such return from the individual to whom
7 the statement is required to be furnished.

8 The written statement required under the preceding sen-
9 tence shall be furnished on or before January 31 of the
10 year following the calendar year for which the return
11 under subsection (a) was required to be made.

12 “(e) RETURNS WHICH WOULD BE REQUIRED TO BE
13 MADE BY 2 OR MORE PERSONS.—Except to the extent
14 provided in regulations prescribed by the Secretary, in the
15 case of interest received by any person on behalf of an-
16 other person, only the person first receiving such interest
17 shall be required to make the return under subsection
18 (a).”.

19 (2) AMENDMENTS RELATING TO PENALTIES.—

20 (A) Section 6721(e)(2)(A) of such Code is
21 amended by striking “or 6050L” and inserting
22 “6050L, or 6050X”.

23 (B) Section 6722(c)(1)(A) of such Code is
24 amended by striking “or 6050L(c)” and insert-
25 ing “6050L(c), or 6050X(d)”.

1 (C) Subparagraph (B) of section
 2 6724(d)(1) of such Code is amended by redesignig-
 3 nating clauses (xvi) through (xxii) as clauses
 4 (xvii) through (xxiii), respectively, and by in-
 5 serting after clause (xii) the following new
 6 clause:

7 “(xvi) section 6050X (relating to re-
 8 turns relating to qualified motor vehicle in-
 9 terest received in trade or business from
 10 individuals),”.

11 (D) Paragraph (2) of section 6724(d) of
 12 such Code is amended by striking the period at
 13 the end of subparagraph (DD) and inserting “,
 14 or” and by inserting after subparagraph (DD)
 15 the following new subparagraph:

16 “(EE) section 6050X(d) (relating to re-
 17 turns relating to qualified motor vehicle interest
 18 received in trade or business from individ-
 19 uals).”.

20 (3) CLERICAL AMENDMENT.—The table of sec-
 21 tions for subpart B of part III of subchapter A of
 22 chapter 61 of such Code is amended by inserting
 23 after the item relating to section 6050W the fol-
 24 lowing new item:

“Sec. 6050X. Returns relating to qualified motor vehicle interest received in
 trade or business from individuals.”.

1 **SEC. 7002. ABOVE-THE-LINE DEDUCTION FOR STATE SALES**
 2 **TAX AND EXCISE TAX ON THE PURCHASE OF**
 3 **CERTAIN MOTOR VEHICLES.**

4 (a) IN GENERAL.—Subsection (a) of section 164 of
 5 the Internal Revenue Code of 1986 is amended by insert-
 6 ing after paragraph (5) the following new paragraph:

7 “(6) Qualified motor vehicle taxes.”.

8 (b) QUALIFIED MOTOR VEHICLE TAXES.—Sub-
 9 section (b) of section 164 of the Internal Revenue Code
 10 of 1986 is amended by adding at the end the following
 11 new paragraph:

12 “(6) QUALIFIED MOTOR VEHICLE TAXES.—

13 “(A) IN GENERAL.—For purposes of this
 14 section, the term ‘qualified motor vehicle taxes’
 15 means any State and local sales or excise tax
 16 imposed on the purchase of a qualified motor
 17 vehicle (as defined in section 163(h)(5)(D)).

18 “(B) INCOME LIMITATION.—The amount
 19 otherwise taken into account under subpara-
 20 graph (A) for any taxable year shall be reduced
 21 (but not below zero) by the amount which bears
 22 the same ratio to the amount which is so treat-
 23 ed as—

24 “(i) the excess (if any) of—

1 “(I) the taxpayer’s modified ad-
 2 justed gross income for such taxable
 3 year, over

4 “(II) \$125,000 (\$250,000 in the
 5 case of a joint return), bears to

6 “(ii) \$10,000.

7 For purposes of the preceding sentence, the
 8 term ‘modified adjusted gross income’ means
 9 the adjusted gross income of the taxpayer for
 10 the taxable year increased by any amount ex-
 11 cluded from gross income under section 911,
 12 931, or 933.

13 “(C) QUALIFIED MOTOR VEHICLE TAXES
 14 NOT INCLUDED IN COST OF ACQUIRED PROP-
 15 ERTY.—The last sentence of subsection (a)
 16 shall not apply to any qualified motor vehicle
 17 taxes.

18 “(D) COORDINATION WITH GENERAL
 19 SALES TAX.—This paragraph shall not apply in
 20 the case of a taxpayer who makes an election
 21 under paragraph (5) for the taxable year.”.

22 (c) CONFORMING AMENDMENTS.—Paragraph (5) of
 23 section 163(h) of the Internal Revenue Code of 1986, as
 24 added by section 1, is amended—

1 (1) by adding at the end the following new sub-
2 paragraph:

3 “(E) EXCLUSION.—If the indebtedness de-
4 scribed in subparagraph (A) includes the
5 amounts of any State sales or excise taxes paid
6 or accrued by the taxpayer in connection with
7 the acquisition of a qualified motor vehicle, the
8 aggregate amount of such indebtedness taken
9 into account under such subparagraph shall be
10 reduced, but not below zero, by the amount of
11 any such taxes for which a deduction is allowed
12 under section 164(a) by reason of paragraph
13 (6) thereof.”, and

14 (2) by inserting “, after the application of sub-
15 paragraph (E),” after “for any period” in subpara-
16 graph (B).

17 (d) DEDUCTION ALLOWED ABOVE-THE-LINE.—Sec-
18 tion 62(a) of the Internal Revenue Code of 1986, as
19 amended by section 1, is amended by inserting after para-
20 graph (22) the following new paragraph:

21 “(23) QUALIFIED MOTOR VEHICLE TAXES.—
22 The deduction allowed under section 164 by reason
23 of subsection (a)(6) thereof.”.

1 TITLE VIII
2 GENERAL PROVISIONS—THIS ACT
3 EMERGENCY DESIGNATION

4 SEC. 8001. Each amount in this Act is designated
5 as an emergency requirement and necessary to meet emer-
6 gency needs pursuant to section 204(a) of S. Con. Res.
7 21 (110th Congress) and section 301(b)(2) of S. Con. Res.
8 70 (110th Congress), the concurrent resolutions on the
9 budget for fiscal years 2008 and 2009.

10 AVAILABILITY

11 SEC. 8002. No part of any appropriation contained
12 in this Act shall remain available for obligation beyond
13 the current fiscal year unless expressly so provided herein.

14 This Act may be cited as the “Economic Recovery
15 Act of 2008”.

Calendar No. 122

110TH CONGRESS
2^D Session
S. 3689

A BILL

Making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, and for other purposes.

NOVEMBER 18, 2008

Read the second time and placed on the calendar